UNITED STATES APPEALS COURT
FOR THE FIFTH CIRCUIT

Case No. 24-10614

Dennis Sheldon Brewer,
Plaintiff - Appellant

v.

William Burns, Director, Central Intelligence Agency,
Defendant – Appellee

Appellant Brief

1. This district court *sua sponte* dismissal of 23-cv-123 capriciously **disregarded (A) rights,** law, and facts. This district court made fundamental errors of miscomprehension, conflation, absence of analysis, failed to comply with procedural mandates in fair and impartial consideration, and engaged in a resultant abuse of discretion which violated the rights of the appellant, as it operated contrary to the interests of impartial justice, in a case which presents **(B)** a profound pattern of systematic violations, primarily by the federal government (UNITED STATES), of fundamental individual unalienable constitutional rights, including religious freedom in the absence of any compelling governmental interest (42 U.S.C. § 2000-bb1), and other violations of appellant rights under *the First, Third, Fourth, Fifth, Eighth, Ninth, Thirteenth,* and *Fourteenth* amendments. This district court's order and judgement (ROA.1522 ECF#8 and ROA.1524 ECF#9) dismissed the instant complaint *sua sponte* by its abuse of 28 U.S.C. § 1915(e)(2)(B)(i), and of the directly relevant *Denton* and *Neitzke* mandates (ROA.259-261, paragraphs 331-333) which govern *in forma pauperis pro se* litigation.

2. Appellant rights were violated by this district court dismissal as it capriciously **disregarded (C) law** - the fraught core legal issues which confront these privileged defendants are a direct result of their management and direct governmental and individual participation in patterns of acts, injuries, and violations

of law including, without limitation, **(C-1)** profound and continuing violations of constitutional rights under the *First, Third, Fourth, Fifth, Eighth, Ninth, Thirteenth,* and *Fourteenth* amendments (ROA.193, paragraph 251), **(C-2)** which have been and are fraudulently concealed in violations of 18 U.S.C. §§ 1961-1968 (ROA.261-268, paragraphs 334-346), and myriad other federal and state statutes (ROA.193, paragraph 251) presented in 54 distinct legal claims which offer remedies under law (ROA.1299-1307, paragraphs 893-901), and ignored the mandates prescribed to all federal courts in **(C-3)** *Neitzke* – that even the most unartful and fatally flawed pleadings must be fully considered in weighing *in forma pauperis pro se* litigation, which could not possibly have occurred here in less time (8 hours) than it would take to simply read the complete complaint (768 hours, calculated at paragraph 8 herein), and **(C-4)** *Denton* that even novel claims (ROA.259-261, paragraphs 331-333) regarded initially as fantastic cannot be dismissed *sua sponte* but must be developed for full and fair consideration in accordance with the procedures of Title 28 Chapter V.

3. Appellant rights were violated by this district court dismissal as it capriciously **disregarded (D) facts.** The district court's order and judgment were entered in the face of overwhelming factual evidence including **(D-1)** 110 specific sets of examples injuries to plaintiffs (ROA.426-899, paragraphs 593-710) referenced in the 54 distinct claims (ROA.940-1298, paragraphs 785-854), **(D-2)** district court suppression of direct evidence of frauds required to be pled with particularity under F. R. Civ. P. Rule 9(b), against defendants operating undercover in secrecy who cannot be readily identified, nearly all of which the district court suppressed from its own initial consideration and the initial record in its construction of that initial record by disallowing a reliable economical means of filing to the in forma pauperis pro se plaintiff (ROA.1465, ECF#4), which **(D-3)** prejudiced appellant rights by precluding the full and fair development of novel claims (see paragraphs P4A,B at page 18 herein) as mandated by *Denton* in Title 28 Chapter V litigation of the constitutional rights of the appellant and other disfavored plaintiffs, in **(D-4)** favor of privileged governmental institutions, and of current and former government officials (ROA.84-92,

paragraphs 34-37), who have and do participate in known patterns of rights violations and failure to protect (ROA.940-1298 paragraphs 785-854), have no valid defenses (ROA.81-84, paragraph 31-33) and who have and do **(D-4a)** perpetuate an associated-in-fact enterprise pattern of racketeering acts and rights violations (18 U.S.C. §§ 1961-1968, ROA.261-268, paragraphs 334-346) **(D-4b)** against a class of American citizens adversely selected based upon their religion (ROA.41-43, 299-309, paragraph 1-2, 409-421) in the complete absence of a compelling governmental interest (42 U.S.C. § 2000bb-1), and other illegal and discriminatory criteria arbitrarily determined without compliance with 5 U.S.C. § 301 (ROA.197-206, paragraphs 255-263 Interline Exhibit 2) for the primary purposes of illegal human medical experiments without consent on unwitting Americans (ROA.273-279, paragraph 356-363) to develop, test, and deploy the federal government's secret illegal and internationally prohibited bioweapon system (ROA.279-297, paragraph 364-402), violating 18 U.S.C. § 175 and the ratified 1972 Bioweapon Treaty, and for other illegal purposes (ROA.193, paragraph 251).

Purpose of Oral Argument

4. An oral argument will highlight the district court's fundamental errors - of analysis, of procedure, of compliance with legal mandates, of discretion, fairness, and impartiality - made when it dismissed *sua sponte* this extremely complex case regarding a long-running illegal bioweapon program which (i) has and does medically abuse and experiment on unwitting American children and adults, to and including torture and death, which (ii) has and does systematically abridge rights while violating well settled law and treaties, and the set of facts, legal precedents, and abuses of state secret privilege and of governmental immunities related to acts undertaken in bad faith, which bad faith acts (iii) have and do facilitate a conspiracy evidenced in the federal government's continuing coordinated pattern of fraudulent concealment and official silence, sustained primarily by and for the corrupt benefit of federal departments and agencies, their current

and former officials, officers, and agents, and for other defendants - against the rights and interests of the appellant, other plaintiffs and interested parties, and the American people generally.

Certificate of Interested Persons

The undersigned counsel of record certifies that the following listed persons and entities as described in the fourth sentence of Rule 28.2.1 have an interest in the outcome of this case. These representations are made in order that the judges of this court may evaluate possible disqualification or recusal. The known interested persons are the governmental, corporate, and individual defendants named herein, and an unknown number of members of the class of plaintiffs. The scope and magnitude of the class of plaintiffs is not yet identifiable due to governmental abuse of the state secret privilege and police powers exemptions which have precluded prospective plaintiffs from identifying themselves as a result of the continuing suppressive efforts of these self-interested defendants.

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Uknown number of plaintiffs who must be identified by affirmative acts of defendant UNITED STATES

_____

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John Does (unknown number)

Members of federal appeals and district courts who have specific knowledge of U.S. Department of Justice, Department of Defense, Central Intelligence Agency, and/or other federal police powers, military, and intelligence departments and agencies, direct participation in the illegal bioweapon and bioweapon delivery system program from 1968 forward to the present, and/or of associated and related police powers operations of subordinate jurisdictions to the United States have, or may have, direct conflicts of interest in this matter. Hereby certified by counsel of record's signature below dated: September 10, 2024.

Signature: _____

Dennis Sheldon Brewer, Pro Se Attorney, Counsel of Record
1210 City Place, Edgewater, NJ 07020

Appellant Brief

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Jurisdiction

5. Jurisdiction of this Court is invoked under Section 1291, Title 28, United States Code, as an appeal from a final judgment of an Order of Dismissal in the United States District Court for the Northern District of Texas. Notice of appeal (ROA.1525, ECF#10) was timely filed in accordance with Rule 4(b) of the Federal Rules of Appellate Procedure.

Issues Presented

6. This appeal concerns **(A)** hasty, conflated abuse of judicial discretion 28 U.S.C. § 1915(e)(2)(B)(i) by the district court's *sua sponte* dismissal of a Complaint regarding serial violations by the federal government of the Establishment Clause in its pattern of practice of adverse selection of veterans, other citizens, and their minor children, based upon religion in the complete absence of compelling governmental interest, (42 U.S.C. § 2000bb-1), and other constitutional rights under the *First, Third, Fourth,*

Fifth, Eighth, Ninth, Thirteenth, and *Fourteenth* Amendments, for governmental biomedical abuse and experiments without consent on unwitting involuntary human child and adult subjects in an illegal bioweapon and bioweapon delivery system program, also known herein as BRMT since its actual codename is unknown, which violates 18 U.S.C. § 175 and the ratified 1972 Bioweapon Treaty, and which the UNITED STATES has and does operate as an associated-in-fact racketeering enterprise (18 U.S.C. §§ 1961-1968) incorporating involuntary servitude in still on-going violations of the *Thirteenth* amendment, and has and does fraudulently conceal by its systematic abuse of state secret privilege. The District Court **(B)** failed to liberally construe the in forma pauperis pro se Complaint, and profoundly erred in its presumptive *sua sponte* threshold dismissal Order in 2:24-cv-123-Z, which it adjudged and entered one day after the filing of the highly complex 1,324 page Complaint (ROA.5-1328, ECF #3). The district court **(C)** acted without regard to the form of filing for the pleading of frauds required under F. R. Civ. P. Rule 9(b) required to plead predicate acts of fraud in an associated-in-fact enterprise pattern of racketeering acts by these defendants in a manner necessarily unique to this complaint (ROA.120-126, paragraph 93-99) against defendants who operate in secret, when it disallowed these essential evidentiary filings in its motions dismissal (ROA.1522, ECF #8). The district court **(D)** violated the core *Neitzke* and *Denton* mandates (ROA.259-261, paragraph 331-333) in its hasty, conflated, improper *sua sponte* dismissal.

Concise Statement Of The Case

7. This appeal concerns the abuse of judicial discretion in the peremptory threshold dismissal of a district court complaint filed under 28 U.S.C. § 1915 regarding federal government (UNITED STATES) violation of the Establishment Clause in its biomedical abuse of human subjects in an illegal bioweapon program violating 18 U.S.C. § 175 and the 1972 Bioweapon Treaty while operating an associated-in-fact racketeering enterprise (18 U.S.C. §§ 1961-1968, ROA.261-268, paragraphs 334-346), which has been and is fraudulently concealed in the systematic abuse of state secret privilege (ROA.202 -254, paragraphs

260-321). When this highly secret illegal bioweapon program was getting underway in the late 1950s or early 1960s (ROA.41-92, paragraphs 1-37), the federal government was already conducting parallel illegal secret programs, operated (i) by CIA and Army, the MKUltra illegal LSD drugging program, and (ii) by DOJ/FBI, the Cointelpro illegal and violent anti-civil rights program. Both those secret illegal programs were eventually detected by others, publicly exposed, and only then terminated in the public outrage which followed. But this illegal bioweapon program, running in parallel and using the same sets of illegal methods, was not detected and publicly exposed, so this well-established pattern of illegal acts by these defendants has and does continue through succeeding generations of the illegal bioweapon technology and of unwitting victims including the appellant. The illegal bioweapon program has and does violate the Establishment clause and religious rights of these plaintiffs, as the government has and does prima facie lack the compelling governmental interest (42 U.S.C. § 2000bb-1) required to establish and maintain an illegal program (5 U.S.C. § 301) abusing the state secret privilege and these conscientious objector religious plaintiffs and their children as its victims (ROA.60, 81, 199, paragraphs 18, 31, 259). The district court profoundly erred in dismissing this case for this fundamental constitutional reason and for other constitutional and statutory reasons described herein, as the federal government (UNITED STATES) and its co-conspirators have and do engage in systematic violations of the *First, Third, Fourth, Fifth, Eighth, Ninth, Thirteenth*, and *Fourteenth Amendments*, which violations are specifically established in the Complaint, ROA.940-1280, paragraphs 785-852.

Argument Summary - Documented Errors of Miscomprehension, Conflation, Case Law Misapplication, Suppression of Material Facts, Extreme Haste

8. The District Court profoundly erred in its hasty, presumptive threshold dismissal Order in 2:24-cv-123-Z at ROA.1522 ECF #8. Federal district courts are required to liberally construe pro se pleadings, *Boag v. MacDougall*, 454 U.S. 364, 365 (1982) (per curiam); *Haines v. Kerner,* 404 U.S. 519, 520 (1972) and must give good faith weight to each and every allegation and argument presented in order to arrive at a

threshold *sua sponte* dismissal order. Liberal construction requires the court to, at the very least, read, comprehend, and consider each claim. The district court failed to do so, making three very fundamental errors in its extremely hasty *sua sponte* dismissal and deprivation of constitutional and legal rights. (***Error 1***) It misunderstood basic facts of the case, and conflated the issue before it, (a) it confused the illegal bioweapon program, which is introduced and referenced as BRMT in the Complaint ROA.42-45, paragraph 2, and the directly related racketeering and rights violations which were instrumental in its fraudulent concealment for decades; with (b) CIA/Army program MKUltra, the illegal 100 million dose LSD drugging program targeted at the same mind control objective (ROA.276, Interline Exhibit 3 at paragraph 357). BRMT and MKUltra were illegally conducted contemporaneously until MKUltra was terminated in the early 1970s. MKUltra shared the same objective and pattern of practice but was terminated and is not the subject of this Complaint, which relates specifically to the government's illegal bioweapon (18 U.S.C. § 175) producing illegal targeted toxin effects defined at 18 U.S.C. § 178(2) by artificial external stimulus to the brain (ROA.45, 46-48, 256, paragraph 3, Illustrations 1-3, paragraph 324). (***Error 2***) The district court misapplied caselaw mandates in *Neitzke v. Williams*, 490 U.S. 319 (1989) and *Denton v Hernandez,* 504 U.S. 25 (1992),(ROA.259-261, paragraphs 331-333) directly relevant to in forma pauperis pro se complaints and claims, in its failures to liberally construe (or even merely to read and consider the documents presented, below at Error 4), and its failure to allow factual development of this novel bioweapon claim as the *Denton* mandate specifically requires (*ibid* at 33). (***Error 3***) The district court, in its order at ROA.1522 ECF #8, also suppressed direct evidence from the record which develops this bioweapon claim and the overarching racketeering claims (examples at ROA.1611-2178) which conceal the illegal program. This evidence is highly relevant to the novel claim and to the pattern of facts of the case as it documents the predicate acts of fraud instrumental to the decades of fraudulent concealment and involuntary servitude of the illegal BRMT bioweapon program. The district court thereby suppressed and

evaded any consideration whatsoever of that specific evidence required under F. R. Civ. P. Rule 9(b) for the pleading of frauds with particularity, which is required in these unique circumstances where defendants have and do operate continuously undercover and at times remotely, their identities are not readily ascertainable, and each defendant must answer specifically for their particular roles and actions. (***Error 4***) The district court received the Complaint by US Mail in the Clerk's office on June 4 at 1:56 PM according to the USPS, the Clerk entered it to the docket on June 5, 2024 and it was dismissed on June 6, 2024 (Clerk's certified docket). The district court allegedly reviewed the 384,315 word document, covering 56 years of fraudulent concealment and abuse of state secret privilege violating 5 U.S.C. § 301, and considered all these claims, facts, and law, all in less than eight working hours, which turnaround speed is literally impossible if fairly read and considered. The Complaint can be read, presuming a very high proficiency reading speed of 500 words per minute, in 768.6 hours, assuming no reference is made to the suppressed and essential documentary evidence intended to accompany the Complaint. The standard mandated by *Denton, Neitzke, Boag, and Haines* for in forma pauperis pro se litigation *sua sponte* dismissals, as for paid Complaints, demands individual review of each and every claim for the legal and factual basis of that specific claim, quoting "…a complaint cannot be dismissed simply because the court finds the allegations to be improbable or unlikely." *Denton* at 26. By dismissing the Complaint in extreme haste without actual consideration one day after docketing, the district court acted arbitrarily, in its conflated confusion (see ***Error 1*** above in this paragraph), on an incomplete initial record which the district court itself suppressed while it misapplied both the *Neitzke* mandate, quoting "dismissal is proper only if the legal theory …. or the factual contentions lack an arguable basis," *ibid* at 319, and the *Denton* mandate, quoting "to dismiss them as frivolous without any factual development is to disregard the age-old insight that many allegations might be "strange, but true…" *ibid* at 33.

9. A core issue in this complaint is the lack of any compelling governmental interest in making the adverse selection of these victims for tis illegal bioweapon program, including the appellant as a minor child and continuing victim, in violation of the Establishment clause. Quoting from International Religious Freedom Report for 2021 – China, page 6, prepared by United States Department of State • Office of International Religious Freedom:

> "The law does not allow individuals or groups to take legal action against the government based on the religious freedom protections afforded by the constitution."

10. Congress passed Title 42 Chapter 21B Religious Freedom Restoration Act in 1993 to restore its original meaning before a 1990 Supreme Court mandate cited therein, and to explicitly provide for judicial relief, 42 USC § 2000bb-1(c):

> "A person whose religious exercise has been burdened in violation of this section may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief against a government. Standing to assert a claim or defense under this section shall be governed by the general rules of standing under article III of the Constitution."

11. The religious rights limiting role played by the law in China as explained above is, regrettably, reserved in the United States to this federal district court - which dismissed the assertion of the protection afforded religious freedom in the absence of compelling governmental interest (42 USC 2000bb-1(b) *sua sponte* as "frivolous" (i) despite clear and plain appellant standing as a direct victim of religious discrimination in adverse selection as a minor child in the Quaker family of an Army Medical Corps veteran (ROA.41-43, 299-309, paragraph 1-2, 409-421), (ii) despite a durable pattern of factual evidence and of recent specific individual forensic identifications which definitively tie government officials and their departments and agencies to this pattern of facts (ROA.41-92,160, 187, 396, paragraphs 1-37, 149, 226, 541), wherein much of this evidentiary record has been written by the hands of these defendants themselves (ROA.2006-2178), (iii) despite the clear and concise law at Title 42 Chapter 21B Religious Freedom Restoration Act 2000bb through 2000bb-4 (ROA.197-201 paragraphs 255-259C), (iv) despite an

obvious pattern of fraudulent concealment and official silence in systematic abuse of state secret privilege (ROA.202-254, paragraphs 260-321), which privilege is conditioned on good faith compliance with law, and is inferior to the myriad constitutional rights violated herein including religious freedom, and which gives rise to the explicit cause of action defined by Congress, 42 USC § 2000bb-1(c) as quoted at paragraph 10 above, and (v) despite the overwhelming factual evidence of secret involuntary servitude, explicitly prohibited by the Thirteenth Amendment, used by these defendants to abuse the appellant and others in violations of the RICO Act 18 U.S.C. §§ 1961-1968, including in evidence suppressed from the initial record and from initial consideration prior to dismissal (ROA.1470, 1473, 1611-2178, ECF #5, 8) - all of which was individually and taken together, considered to be "frivolous" and worthy of neither weight nor merit, in the district court's dismissal order (ROA.1522, ECF #8).

12. "Frivolous" as used here was a ruse which concealed judicial caprice - substituted for judicial discretion by this district court. Caprice is a long-standing bad habit of federal district courts in favoring institutional defendants against less advantaged plaintiffs - as was demonstrated repeatedly over decades of federal district court dismissals of Catholic Church pedophilia civil cases without justification - which accusations DOJ and its prosecutors had previously been accustomed to disregarding – the executive department from which one must note here about 88% of Article III federal judges are drawn. This pattern continued until public visibility and pressure led to an avalanche of civil cases which began in the early 2000s. Caprice is neither judicial discretion nor Title 28 justice, regardless of the cloak it wears – it is partiality, it is bias, it is not justice and is impermissible in our constitutional system.

Argument - Parsing of District Court Order Demonstrates Pattern of Errors

13. Parsing the district court's Order phrase by phrase yields the following legal and factual analysis of the district court's errors:

C1. "Before the Court are Plaintiff's pro se	**P1A**. The filings posted to the docket are accurately stated by the district court. The Complaint (ROA.5-1328 ECF #3) and motion at ROA.1473 ECF

Complaint (ECF No. 3), and Motions for Leave to Proceed In Forma Pauperis (ECF No. 4), Motion for Permission for Electronic Case Filing (ECF No. 5), Motion to Appoint Counsel (ECF No. 6), and Motion to Certify Class (ECF No. 7) (collectively, "Motions"), all filed on June 5, 2024. Plaintiff, a resident of Edgewater, New Jersey, sues many federal officials, the New York City Police Department and several of its officials, various domestic and international entities, various individuals in their individual capacities, and an unknown number of John Does. ECF No. 3 at 1–9."	#7 reflect the complex history of the illegal bioweapon program, associated-in-fact enterprise pattern of racketeering acts, religious and other constitutional rights violations against this class, all fraudulently concealed by abuse of state secret privilege by privileged institutional and individual defendants (ROA.5-1328 Complaint, entirety) which DOJ refuses to hold to account (ROA.395-425, paragraphs 540-584) due to its direct, explicitly established participation in illegal acts (ROA.640-863, paragraphs 639-693), which pattern and participation are further established by its own contemporaneous conduct of similar illegal acts in other programs (ROA.104, paragraph 51, and the US Senate 1975 Church Committee final report on illegal activities of CIA and FBI, LPEE pages 6885-7288, not included to the record but is compared to appellant experiences at ROA.1872-2003). **P1B**. The fifty-six year fraudulently concealed pattern documented by the Complaint reflects the long-running pattern of bad faith acts in federal police powers, intelligence, and military operations to conceal the illegal bioweapon program. Non-federal police powers also acted in bad faith and well beyond their scope of constitutional and legal authority. See ROA.41-92, paragraphs 1-37.
C2. "A complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (quoting Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570) (2007)).	**P2A.** *Ashcroft v. Iqbal,* 556 U.S. 662, 678 (2009) related solely to a procedural issue in an evidentiary hearing, does not bear on the substantive content of the complaint as presented in either that matter or in this specific matter, so it is not even directly relevant to the substantive matters at hand in this Complaint. Nonetheless: **P2B**. Plausibility of claims is established by facts properly presented, and explicitly considered in a legal context which permits a remedy, not by opinions or impressions postulated absent clear demonstration of comprehended knowledge, expertise, and analysis based upon scientific, medical, and technological facts. Professionals develop these facts for both judges and juries in matters in which those persons would not reasonably be expected to possess the requisite knowledge. **P2C.** The appellant is educated and professionally experienced in technology, systems analysis, chemistry, physics, information technology, communications technology, finance, analysis of government programs,

	aerospace and space technologies, precision location systems, and other relevant domains of knowledge required both (a) for the district court to reasonably assess his direct experience with this illegal bioweapon program, and (b) which demonstrates his specific capabilities and experience to forensically reverse engineer the evolution of the directly relevant science, technologies, and complex systems integrations required in the operation and evolution of the bioweapon system in a professional manner ROA.246, 1758-1869, paragraph 320e and LPEE pages 140-236. **P2D.** Since this is a novel claim, extensive content in the Complaint and in the accompanying independent evidence cited therein intended to be filed therewith, was incorporated to develop and describe this matter to a level whereby the district court could attain at least a very rudimentary understanding of the scientific, medical, and technological foundations of the novel claim. Basic documentary assistance was offered in ROA.45-52, 46-52, 281-295, paragraphs 3-6, Illustrations 1-4, and paragraphs 369-395, and evidentiary matter at ROA.1611-1755, LPEE pages 1-139 refused entry by the district court in its motions dismissal at ROA.1522, ECF # 8. **P2E.** The district court is, prima facie, not qualified to render such discretionary factual judgements based solely upon its own education or experience without the assistance of experts. It simply disregarded *Denton* ("to dismiss them as frivolous without any factual development is to disregard the age-old insight that many allegations might be "strange, but true…" *ibid* at 33), and dismissed this novel claim and factual matter without a proper legal or factual foundation for its exercise of such discretion. This matter requires proper professional qualifications to factually assess. This is a clear factual and legal error.
C3. A complaint that lacks "an arguable basis either in law or in fact" is frivolous. Neitzke v. Williams, 490 U.S. 319, 325 (1989).	**P3A.** *Neitzke v. Williams* 490 U.S. 319, 325 (1989) principal holding is that an in forma pauperis pro se complaint cannot be dismissed, even in the face of such a fundamental legal failure as its complete failure to properly state a claim, unless every single aspect of the complaint is without merit, completely devoid of any "arguable basis in either fact or law" when liberally construed. The district court suppressed essential facts without even knowing what those essential facts, required to be liberally construed, might be. This is a clear violation of the *Boag* and *Haines* mandates to "liberally construe." (paragraphs 8 and 14 herein).
C4. A complaint that lacks "an arguable basis either in law or in fact" is frivolous. Neitzke v. Williams, 490 U.S. 319, 325 (1989).	**P4A**. *Denton v. Hernande*z, 504 U.S. 25, 33 (1992) requires a district court to conduct and document its analysis, such that the written analysis is sufficient for "intelligent appellate review." **P4B.** These "intelligent appellate review" tests from *Denton*, ibid at 33-34, are as follows: "<u>Because the frivolousness determination is a discretionary one, we further hold that a § 1915(d) dismissal is properly reviewed for an abuse of that discretion</u>…. " required by § 1915(a), is "entitled to weight"). In reviewing a §

	1915(d) dismissal for abuse of discretion, it would be appropriate for the court of appeals to consider, among other things, (i) whether the plaintiff was proceeding pro se, see Haines v. Kerner, 404 U.S. 519, 520-521 (1972); (ii) whether the court inappropriately resolved genuine issues of disputed fact, see supra, at 6-7; (iii) whether the court applied erroneous legal conclusions, see Boag, 454 U. S., at 365, n.; whether the court has (iv) provided a statement explaining the dismissal that facilitates "intelligent appellate review," ibid.; and whether the (v) dismissal was with or without prejudice." All five tests must be met with an unqualified yes to be successful. The answers for these tests in this appeal are: (i) Filing pro se – **Yes**. (ii) Appropriate resolution of factual issues – **No**, the district court neither read the base complaint in less than 8 hours when it requires more than 768 hours for a highly proficient reader, calculated at paragraph 8 herein, nor allowed facts to the record which are necessary for threshold evaluation at P6D herein. (iii) Proper application of legal conclusions – **No**, it misapplied *Neitzke* and did not consider the primary holding in *Neitzke* (at P3 herein) nor at *Denton* (at this P4A-G). (iv) Statement for intelligent appellate review- **No**, a conflating and confused district court which truncated the essential factual record has provided a flawed analysis which cannot and does not lead to a well-considered factually or legally sound discretionary decision. The district court erred. (v) Dismissed without prejudice – **Yes.** These five tests for intelligent appellate review have not been met by the district court, **P4C.** While the district court held that its dismissal is on 28 U.S.C. § 1915(e)(2)(B)(i): "(e)….(2) Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that—….. (B) the action or appeal (i)is frivolous or malicious;"… it is plain and clear to all that the district court did not comply with *Neitzke* and *Denton* in its dismissal Order. **P4D.** A well-considered finding as "frivolous" requires a distinct determination of the complete lack of any factual or legal merit whatsoever as to each and every one of the 54 claims. To reach such a discretionary conclusion in eight hours for a Complaint requiring 768 hours calculated at paragraph 8 simply to read the base document in a complex case is simply not credible on its face. The district court cannot professionally so act under 28 U.S.C. § 132(b) and Canon 3: A Judge Should Perform the Duties of the Office Fairly, Impartially and Diligently. The forensic factual basis of the 54 statutory claims in the Complaint (ROA.940-1280, paragraphs 785-854)

	includes 110 specific patterns of facts (ROA.426-899, paragraphs 593-710) and 12,500 pages of facts (sampled at ROA.2006-2178), which volume and independent documentary quality completely defeat any rational person making any finding that these claims are frivolous. The district court has profoundly erred. **P4E.** Further, material facts needed to fairly evaluate the Complaint under F. R. Civ. P. Rule 9(b) requiring particularity in the pleading of frauds were not allowed to the record in a manner which is financially affordable to the deliberately impoverished in forma pauperis pro se appellant. Such facts and evidence have been requested to be added electronically (ROA.1470, ECF # 5, and see ROA.2006-2178 examples), are carefully organized and paginated, clearly referenced throughout the Complaint and can be filed swiftly and efficiently by secure electronic means. The district court simply dismissed (at ROA.1522 ECF #8) the entire idea of considering these facts, including independent documentary evidence, expert level analytical evidence, and direct evidence written by the hands of these defendants themselves, sampled at ROA.2006-2178. **P4F.** *Denton* mandates that novel claims cannot be dismissed without subjecting those novel claims to discovery, *ibid* at 33: "An in forma pauperis complaint may not be dismissed, however, simply because the court finds the plaintiff's allegations unlikely. Some improbable allegations might properly be disposed of on summary judgment, but to dismiss them as frivolous without any factual development is to disregard the age-old insight that many allegations might be "strange, but true; for truth is always strange, Stranger than fiction." Lord Byron, Don Juan, canto XIV, stanza 101 (T. Steffan, E. Steffan, & w. Pratt eds. 1977)." **P4G.** This failure of the district court to fairly evaluate facts through mandated "factual development" is further addressed at P5A immediately below. The district court acted presumptively in haste and in error.
C5. This Court cannot exercise subject matter jurisdiction over a frivolous complaint. 28 U.S.C. § 1915(e)(2)(B)(i);	**P5A.** A professionally derived finding of frivolous which meets an objective legal standard based on logic and reason requires the district court to meet the primary holdings of *Neitzke* (an in forma pauperis complaint can stand even if there is no valid claim in the complaint, *ibid* at 319) and of *Denton* (that a rigorous process must be followed throughout any finding, all facts must be considered, and novel claims must be factually developed, *ibid* at 33). The Complaint described by the district court as "frivolous," contains 1324 pages of facts, legal arguments, and interline exhibits which include, without limitation, direct evidence of: **A.** Technological feasibility of the technology and neuroscience facts required to establish the biomedical and scientific basis for the illegal bioweapon) is demonstrated at length, ROA.45-52, 46-52, 281-295 paragraphs 3-6 Illustrations 1 through 4, paragraphs 369-395.

	B. Multiple antilog FDA approved biomedical devices which are currently being successfully used in human trials, and thereby explicitly establish the technical viability of an illegal bioweapon based upon those same principles of science, neuroscience, biomedicine, and technology, ROA.51, 52, 283-285, 1611-1755, paragraph 6, Illustration 4, paragraphs 374-376, LPEE pages 1-139. **C.** A coordinated coverup of illegal police powers actions by defendants NYPD and FBI over 27 days in September 2021, through NYPD's own direct written admission, followed 12 days later by a complete denial of any knowledge, any record, any prior activity, ROA.403, 413-423, 1990-2003, 2176-2178 paragraph 555, Interline Exhibits 17-19, LPEE NYPD communications. **D.** Racketeering acts by police powers defendants which have transpired in multiple jurisdictions over multiple years, ROA.640-863, paragraphs 639-693, (18 U.S.C. §§ 1961-1968). **P5B.** These allegations are documented by direct evidence written by these defendants' own hands, so the discretionary standard for a professional judgement that such matters are frivolous cannot be met by the district court. The district court has erred. **P5C.** Further, as quoted above at P4F, *Denton* requires novel claims brought in in forma pauperis matters be developed through discovery (*ibid* at 33). This mandate clearly has not been met. The district court has erred.
C6. see Hagans v. Lavine, 415 U.S. 528, 536–37 (1974) ("Over the years this Court has repeatedly held that the federal courts are without power to entertain claims otherwise within their jurisdiction if they are 'so attenuated and unsubstantial as to be absolutely devoid of merit . . . .'") (quoting Newburyport Water Co. v. Newburyport, 193 U.S. 561, 579 (1904));	**P6A.** "Attenuated" – Bank statements, wire transfer receipts, signed contracts, contemporaneous notes of incidents and meetings prepared by the Appellant and by the defendants themselves are evidence, not attenuation. These substantive facts have weight and merit, documenting relevant patterns of illegal practices also used contemporaneously by these defendants in other illegal operations, documented by Congress in 1975, ROA.60, paragraph 17, as this illegal bioweapon program was already running concurrently with those programs in DOJ, DOD, and CIA. There is no valid attenuation argument to be made. The district court has erred. **P6B.** "Unsubstantial" – The scientific, medical, and technological facts in this Complaint (ROA.44-52,1611-1755, paragraphs 2-7) are scientifically demonstrable by documentation in the initial tranche of LPEE evidence not considered by the district court, ROA.1522 ECF #8) at ROA.1611-1755 LPEE pages 1-139, and by expert witnesses at trial. The associated-in-fact enterprise racketeering claims are backed by ROA.640-863, 276, 344, 347-352, 354, 355, 370, 371, 388-394, 402, 413, 415, 417-423, paragraphs 639-693, Interline Exhibits 3-19, and thousands of pages of curated emails written by these defendants acting in undercover roles, by bank statements and signed contracts, meeting notes, appointment calendars, notes to file, and other documentation, all included in the evidence requested to be submitted documenting violations of 18 U.S.C. §§ 1961-1968. See

	examples ROA.2006-2178 of evidence not allowed to the initial district court record by the motions dismissal of ROA.1470 ECF # 5 at ROA.1522 ECF #8. **P6C.** "Devoid of merit" – we consider one single claim here for simplicity's sake. Over a 27 day period in September 2021, NYPD admitted, then coordinated with FBI Washington Headquarters, to cover up their direct involvement in this matter, as shown at ROA.413-415, 1190-2003, 2176-2178, Interline Exhibits 17 and 18, LPEE NYPD communications. This is direct independent evidence of the merit of that specific claim which was written by those defendants. There are thousands of other individual examples of such bad faith conduct embedded in the 110 subcounts which merit review and consideration, ROA.640-899, paragraphs 639-710. None were considered by the district court. **P6D.** As described above, all this evidence has been requested to be added to the record electronically (ROA.1470 ECF # 5) for economy to the impoverished Appellant acting pro se. The district court dismissed that motion at ROA.1522 ECF #8. The district court has erred in failing to allow the plaintiffs to simply create the threshold record to be used in reaching a fair and equitable threshold decision.
C7. see also Tooley v. Napolitano, 586 F.3d 1006, 1010 (D.C. Cir. 2009) (examining cases dismissed "for patent insubstantiality," including where the plaintiff allegedly "was subjected to a campaign of surveillance and harassment deriving from uncertain origins . . . .").	**P7A.** "Patent insubstantiality" discussed here as to the specific issue raised, "surveillance and harassment," which is an element argued in this case as it was when argued in that case, can be established or refuted very simply. The appellant can call members of his evolving security detail - (i) his former college roommates and classmates posing as friends and fellow students in Pullman, WA, of which the current sitting Attorney General (identified at ROA.86, 125, 917-929, paragraphs 36, 99m, and 762) could be called, but that is not necessary as there are sufficient other witnesses of comparable veracity (ROA.50, paragraph 5), (ii) Dolan, the former Chief of Staff to former Washington Governor Gregoire, known since 1974 from the Spokane, WA fake Sackville-West family members first known for Bill Sackville-West met in WSU Perham Hall in 1974 (ROA.50, paragraph 5) (iii) NYPD and federal details who accompany the Appellant on his travels and events. The district court can thereby discover the complete lack of "patent insubstantiality" of this specific claim in this specific circumstance, among the many others to be further developed through discovery. **P7B.** The broader issue of patent insubstantiality of each and all other claims can also be addressed through answers and discovery. Proven technologies used for nefarious and illegal purposes are not patently insubstantial if one regards the 1975 Senate Church Committee report as a serious investigation, LPEE pages 6885-7288 not included in entirety to record but compared to directly experienced methods at ROA.1872-2003. Both CIA and FBI have and do employ illegal methods, means, and technologies against US persons unalienable rights, to the point of severe

	physical injury and death, in ways that Congress deemed were not patently insubstantial in that report. That practice simply continued in this parallel secret illegal bioweapon program - which began in the same era as those programs - and continued undetected by the public until now.
C8. Courts must dismiss a complaint as frivolous "when the facts alleged rise to the level of the irrational or the wholly incredible." Denton v. Hernandez, 504 U.S. 25, 33 (1992).	**P8A.** "Irrational" facts – It is fact that antilog medical devices currently in successful FDA human medical trials use the same basic principles of biomedicine, computing, and communications technologies used in the illegal bioweapon, ROA.51, 1611-1755, paragraph 6, LPEE page 1-139. FDA approved medical devices which transmit focused energy pulses through the skull to specific areas of the brain are used daily in approved medical uses in US hospitals (ROA.285, paragraphs 375-376. These facts are developed at ROA.45-52, 46-52, 281-295, 1611-1755, paragraphs 3-6, Illustrations 1 through 4, and paragraphs 369-395, and at LPEE pages 1-139. **P8B.** "Wholly incredible" facts – Long running illegal programs are well established historical fact documented by Congress, news media, books, press interviews, and leaked reports from whistleblowers. The patterns in the Complaint match those same publicly documented patterns practiced by those same departments and agencies and are explicitly compared to those patterns at ROA.1872-2003, LPEE pages 237-367. **P8C.** The Appellant's own psychological well-being, emotional stability, rationality, education, and experience provide him a reasonable professional basis for evaluating these matters, as documented at ROA.246, paragraph 320e and at ROA.1758-1869, LPEE pages 140-236.
C9. Plaintiff's Complaint is frivolous.	**P9A.** The district court "frivolous" finding is factually and evidentiarily absurd, defeated by the overwhelming pattern of facts. The appellant has no need to pound the table. District Courts are granted broad discretionary authority in threshold matters, but must do so within a rational, professional context, and may not do so in in forma pauperis complaints without meeting the tests prescribed in *Neitzke* and *Denton*, above at P4B. These existing case law mandates require a very specific rational analysis, which the district court did not meet. **P9B.** As at P2B-E, the district court, of its own expertise, does not possess the requisite scientific and technical knowledge to evaluate the novel claim of an illegal bioweapon prohibited by 18 U.S.C. § 175, which is required to prepare this mandated analysis at P4B. **P9C.** The *Denton* mandated tests of discretion - professional analysis and judgement – require a decision maker considering these claims, facts, and law for their weight and merit, including a district court judge who is objectively reviewing these allegations and evidence, to rationally apply the following elements of knowledge to reach a valid, well-reasoned, sound judgement: A. a basic level of knowledge of biochemistry and physics,

	B. the evolution of scientific, biomedical, and technical knowledge from the crude understanding of hormones possessed in the 1950s to modern neuroscience, C. the evolution of basic computing and communications technologies from analog vacuum tubes and copper wires, through their digital transformations, to D. modern 5 and 7 nanometer semiconductors used in supercomputers operating at 1 exaflop per second, employing near zero latency encrypted communications, E. the evolution of space technology platforms from the simple radio pulses sent by Sputnik to modern encrypted command and control systems used in communication, navigation, and remote drone operations, F. reverse technological engineering skills to deduce the precision ground-station corrected pulsed energy weapons platform technology unavailable outside government, and G. the current successful use of comparable technology in beneficial biomedical contexts using the identical science and neuroscience principles to those used in the secret illegal bioweapon program of the UNITED STATES, which itself has a very specific track record of systematic illegal abuses of US persons in such illegal programs over many decades. Elements (i) through (v) above are matters of public knowledge discernible if one has relevant education and experience. Element (vi) and its evolution across time has been forensically reverse engineered by this appellant through knowledge of the suite of technologies which are specifically required to accomplish the extremely adverse biotoxin (18 U.S.C. § 178(2)) effects directly experienced by the appellant as a key long-term involuntary subject of this illegal bioweapon program. The existence of comparable technology based upon the same scientific and medical principles is verified by the FDA approved for human trials beneficial medical applications at (vii) above, ROA.51, 52, 283-285, paragraph 6, Illustration 4, paragraphs 374-376. **P9D.** As at P2B-E, to the best of this appellant's knowledge and belief, no law school requires such a knowledge base in in its prerequisites for admission nor provides such its own curriculum, nor do district court's generally possess the requisite independent professional expertise to evaluate these effects. It is difficult in the extreme to interpret this district court's decision as based upon a plausibly rational knowledge-based evaluation of the facts, science, and medical principles in relation to the illegal bioweapon technology, given the complete absence of any clear demonstration of relevant scientific, technical, and medical knowledge and experience. This district court acted without reference to the offered basic

	documentary materials (ROA.1611-1755 LPEE 1-139), and without the professional expertise of any experienced independent third party. **P9E.** Conversely, appellant's education in chemistry, physics, professional and life experience in systems analysis, design of systems to and including space systems, and information systems integration with other technologies, does provide such a base of knowledge, ROA.1758-1869, LPEE pages 140-236, as excluded from the initial record by ROA.1522 ECF #8. **P9F.** Since current commercial biomedical technologies in ongoing FDA approved human trials unequivocally substantiate the technical feasibility of this type of illegal device, ROA.51, 52, 281-295, 1611-1755, paragraph 6 and Illustration 4, paragraphs 369-395, and LPEE 1-139, this district court's finding is itself not based in fact and is "patently unsubstantial." The district court has erred.
C10. First, inter alia, it is a staggering and prolix 595 pages without attachments.	**P10A.** The 1324 page complaint was split across the docket by the Clerk as three separate documents at ROA.5-1328 ECF #3 due to length. The first section alone is 595 pages, but the complaint includes two other sections, which together comprise the entire Complaint. It is unclear whether the actual 1324 page length of the Complaint was even known by the district court, much less considered, as it noted only 595 pages in its Order (shown here to the left). **P10B.** The 384,315 word complaint covers 56 years of fraudulent concealment. It can be read at the very high proficiency reading speed of 500 words per minute in 768 hours calculated at paragraph 8 without reference to any directly related documentation. The Complaint was entered to the docket on June 5, 2024, and dismissed on June 6, 2024, as were all 54 claims – without no reference made to any deficiency in any claim. (Clerk's certified docket). **P10C.** This long running and fraudulently concealed bioweapon program, and its comprehensive set of facts and documents, spans the appellant's own mostly unwitting 56 year history in this fraudulently concealed program. This fact set has been forensically developed and analyzed with great care by the appellant, an experienced former management consultant, business executive, and involuntary servant of UNITED STATES, who is accustomed to diagnosing and remedying problems encountered in myriad initially unfamiliar situations (which is the inherent nature of almost all consulting and system design projects) over his thirty-plus year professional career, and fifty-six years of mostly unwitting victimization in this secret illegal program, see ROA.1758-1869, Lead Plaintiff Resume, Independent Psychological Tests LPEE pages 140-236. **P10D.** The 1324 page complaint is concisely organized to present a simple and plain analysis of the extremely complex long-running illegal program.

	P10E. It comprehensively and efficiently presents a highly complex set of facts, which these defendants have carefully planned, organized, secretly dictated, and forcibly imposed on these plaintiffs over six decades of fraudulent concealment, presented as follows (ROA.23-40): **1.** Synopsis of the case - 88 pages provide an overview of the facts and basic legal claims of fraudulently concealed illegal acts over six decades of secret abuses of rights, property, and statutes. **2.** Points of Law - 72 pages document the legal basis for the claims, invalid assertions of state secret privilege, out of scope and bad faith abuses of immunity, an unconstitutional statutory provision at 18 U.S.C. § 2340B, the applicability of *Bivens v. Six Unknown Fed. Narcotics Agents,* 403 U.S. 388 (1971) to the case, and fifty-one relevant Supreme Court mandates. **3.** Fact Narrative and Interline Exhibits – 157 pages of narrative history of the facts provides context for the 110 specific instances of acts, injuries, and violations described immediately below. **4.** Facts 514 pages incorporate 110 specific sequences, ranging from moments to years, of governmental and other defendants' violations of myriad federal and state statutes. **4a.** These facts are backed by approximately 12,500 pages of carefully curated documentation, intended to be electronically entered for cost and judicial efficiency (ROA.1470 ECF # 5) refused entry by the district court at ROA.1522 ECF #8. This evidence, required under F. R. Civ. P. Rule 9(b) particularity in pleading frauds when the exact identities of the defendants operating undercover are unknowable to these plaintiffs for reasons discussed at ROA.120-142, paragraphs 93-119, ranges from bank statements to appointment calendars to emails; other expert documentation which relates scientific and technical knowledge required for the most basic understanding of the technologies; and documentation of the illegal methods used by these defendants in their illegal operations, as also documented by Congressional investigations and a Presidential Commission (representative evidentiary samples at ROA.1611-2178). **5.** Claims - 359 pages relate these plaintiffs' injuries specifically and directly to 54 claims of acts, violations, and injuries under federal and state statutes by these defendants. **6.** Remedies - 30 pages document the remedies requested and the requisite statutory authority of the district court to grant those requested forms of injunctive and monetary relief. **P10E.** "Staggering" complexity is not unfamiliar to federal courts – asbestos poisoning and cancers, radiation poisoning, water rights, treaty rights, and other complex matters are proper subjects of federal jurisdiction as defined by Congress. Fifty-six years of a secret fraudulently concealed illegal program echoing Nazi treatment of religious, ethnic, and political prisoners is the staggering issue for any nation calling itself a democracy, not these

	1324 pages of facts and interline exhibits which include direct evidence and specific allegations which can immediately be tested for veracity in the typical motions calendar, through discovery, and by deposition of very high veracity witnesses, such as former Chief of Staff Dolan to former Washington Governor Gregoire. Dolan was directly involved in the program, whether unwittingly or otherwise, and has known the appellant since 1974. **P10F.** There is no absence of facts, no absence of fact witnesses, no absence of applicable law to fashion remedies. **P10G.** Other than public and international embarrassment to these defendants for their illegal and unconstitutional acts, there is no reason to fear these facts. **P10H.** It is a transparent absence of will - which this court must insist the district court overcome as the finder and trier of fact and law – to "establish justice" for these plaintiffs, and to overcome the continued abuse of state secret privilege and police power exemptions, abused in bad faith acts by corrupted governmental institutions.
C11, Second, Plaintiff makes incredible accusations of an "ultrasecret government 'mind control' program [that] ran from 1953 until its public disclosure in 1973" promulgated by an "ultrasecret and illegal bioweapon and bioweapon delivery system." ECF No. 3 at 40.	**P11A.** In its clear error of fact (as directly quoted here in the left column), the district court miscomprehended a single basic concept in the 1324 page Complaint (ROA.44, paragraph 2), confused and conflated two distinct programs - and then pounded the table with the term "frivolous" repeatedly in its order. Quoting from the actual text of paragraph 2 (Interline Exhibit 3 referenced herein is at ROA.276): "This illegal BRMT bioweapon and bioweapon delivery system is the successor in fact to the fatally flawed and failed illegal defendant CIA MKUltra LSD secret drugging program run by Dr. Sidney Gottlieb in which defendant ARMY also closely collaborated (Interline Exhibit 3). That ultrasecret government "mind control" program ran from 1953 until its public disclosure in 1973, when it was disclosed as the American people were still reeling from the 1971 disclosure of another out of control illegal federal government program, defendant FBI's Cointelpro…." It is the district court itself which has made the "incredible accusations" - of this appellant. In its profoundly fundamental error, the district court confused and conflated a Congressionally investigated program, CIA's MKUltra LSD 100 million dose secret drugging program (ROA.276, 274 Interline Exhibit 3 and paragraph 357), with this still secret illegal BRMT bioweapon and bioweapon delivery system program. The illegal BRMT bioweapon program herein did operate side-by-side with the now terminated MKUltra program. The BRMT illegal bioweapon program has and does "secretly" continue, and still conducts illegal human experiments, continues to produce illegal toxins 18 U.S.C. § 1768(2) and their adverse effects in US persons, operates an offensive weapon against US persons and others, and violates

	our laws 18 U.S.C. §§ 175, 1961-1968, and others, our Constitution and individual rights, our ratified 1972 Bioweapon Treaty, and other statutes (ROA.193, paragraph 251). Identified by the appellant as BRMT, since its codename is unknown to the public, this BRMT bioweapon program has been and is operated by the federal defendants named herein, primarily CIA and Army, through a series of increasingly complex generations of development into the present time (ROA.44-54, 972-983, paragraphs 2-10, 801). **P11B.** MKUltra was discontinued in 1973. The BRMT bioweapon and bioweapon delivery system program continues to be operated illegally by UNITED STATES in Army, CIA, enabled by DOJ racketeering and by other government departments and agencies. MKUltra and BRMT are two separate and distinct programs. Even this most basic fact was confused from the beginning of no more than eight working hours of review (Clerk's docket, ROA.5-1328 ECF #3) of a 1324 page Complaint document which requires 768 hours calculated at paragraph 8 at extremely high proficiency to simply read, whereupon all 54 exhaustively documented claims were dismissed with no explanation as to the rationale for the dismissal of any claim - simply a single word for 1324 pages of law and facts – "frivolous." The district court acted arbitrarily and abused its privilege of discretion to trample the rights of the appellant in its Order (ROA.1522 ECF #8). The Order fails any reasonably rational test of fair factual and legal analysis required in the exercise of professionally applied discretion and fails the mandates in *Nietzke,* P3 above, and *Denton,* P4 above. **P11C.** Mind control is an on-the-record objective of CIA, publicly described at ROA.276, 274 Interline Exhibit 3 and paragraph 357. This objective has never been renounced, even after MKUltra was terminated in 1973. ROA.276 Interline Exhibit 3 affirms this as fact, as did the Senate Committee known as the Church Committee in 1975, documented at ROA.262 paragraph 337, and at LPEE pages 6885-7288, the 1975 Senate Church Committee report on CIA and FBI compared at ROA.1872-2003. **P11D.** Long running illegal government programs are a matter of well documented fact and public record in the United States. Such illegal programs have been and are operated by the UNITED STATES and its political subdivisions. **P11E.** Prima facie, this fact pattern of illegal government programs is neither irrational nor incredible, to wit: 1. FBI's Cointelpro ran from 1956 to 1971 under DOJ's supervision, included illegal acts signed off by the Attorney General, and impacted millions of Americans civil and constitutional rights, as investigated by Congress. It was discovered by a citizen activist group's burglary of an FBI Field Office, having been run illegally by an Assistant Director of the FBI while he sat across the hall from Director Hoover. Cointelpro

consumed about 30% of the agency's workforce and budget for over 15 years (ROA.1522 ECF #8) LPEE pages 6885-7288 compared at ROA.1872-2003.

2. CIA's MKUltra secretly dosed American citizens and soldiers with 100 million doses of the hallucinogenic drug LSD from 1953 to 1973, as found by Congress and a Presidential Commission. LSD is well known for removing all social inhibitions from the drugged victim. LSD causes and creates both medical emergencies and extreme irrational behavior, to and including documented murderous acts by its victims (ROA.1522 ECF #8) LPEE pages 6885-7466 compared at ROA.1872-2003.
3. An Army researcher, Frank Olsen, was killed in 1953 by CIA as MKUltra was just getting underway after he objected to the illegal and unethical conduct then being proposed (and later used) in this secret program. His family received an apology for CIA's conduct from President Ford and CIA Director Colby in 1975. No person was ever held accountable by DOJ for this criminal conspiracy and act of murder, ROA.53 paragraph 9.
4. The illegal bioweapon program in this Complaint was already well underway in 1968. Appellant, then 12 years old, was secretly human trafficked, by a former Army buddy of appellant's father, for a test of a crude, primitive oxytocin hormone manipulation in an early version of the illegal bioweapon on a child, ROA.45, 304, paragraphs 3, 417.

P11F. Extreme secrecy is not unusual in legal large scale secret programs. Fat Man and Little Boy, the atomic bombs used in Japan in 1945, were unknown to nearly all workers on the project, and to most in the military and the Executive Office of the President, including VP Harry Truman. Truman learned of this secret program only after President Roosevelt's death in office.

P11G. Extreme secrecy has always been required for this illegal bioweapon program throughout its many iterations and development cycles. It has been and is internationally prohibited by a Senate ratified 1975 Bioweapon Treaty and under federal law 18 U.S.C. § 175, so program secrecy would be, if anything, greater than that for a legal secret program.

P11H. Secrecy is also an abused tool of privilege which the UNITED STATES has abused time and again to conceal illegal programs. Technological progress has been made with this illegal bioweapon over the decades since the end of World War II, when CIA was spun out of the Pentagon in 1947, and Nazi doctors were secretly brought to the US to leverage their Dachau illegal human subject research for CIA and Army. Imagine the outrage of American soldiers, veterans, and the general public upon discovering their government has secretly designated and selected, by those unwitting families' chosen religious beliefs, elementary school age children as the subjects of illegal biomedical experiments even unto death (ROA.986-995, 998-1035, paragraphs 803, 805) – and that those illegal

	human biomedical experiments were and are modeled on those medical atrocities against children in the Dachau Concentration Camps of World War II and prosecuted at Nuremberg in 1946-47. **P11I.** Imagine the public outrage on learning that a federal court's willful refusal to act results in their own children becoming the next generation of victims of this illegal bioweapon, just like this appellant has since age 12, now 68. **P11J.** Then you can understand why the federal government has elected to conceal this program from all scrutiny with the utmost secrecy, and still does engage in official silence at DOJ and elsewhere, even now in the UNITED STATES' self-imposed "emperor who has no clothes" phase, where the illegal bioweapon and its delivery system have become publicly known around the world. **P11K.** It is this pattern of absurd and illegal conduct which must be accounted for by these governmental, institutional, and individual defendants. Nuremberg, P11H above, became the site where UNITED STATES DOJ, military, and allied prosecutors conducted the 1946-47 Nuremberg trials after World War II. The Doctors Trial concerned similar matters – illegal biomedical experiments on involuntary human subjects, and illegal seizures and destruction of human lives, relationships, and property by official, illegal, and unconstitutional acts of government, ROA.314, 1029, paragraphs 429, 805BL. **P11L.** China lacks the laws permitting pursuit of such matters of religious rights discrimination by its citizens (paragraphs 9-11 pages 15-16 herein). In a country which alleges it stands for equal protection under our Constitution, it is the names of these defendants, and the fact set they have created with their own hands and with taxpayer resources, and which inculpates specific past and current members of USDOJ, some in the federal judiciary, and other public officials, past and present, for their direct illegal conduct against US persons, not any imagined frivolous nature, which has precluded this case from the judicial process to date**.** As of today, the United States lacks a federal court which is willing to lawfully and factually consider these same matters when legally placed before them in accordance with acts of Congress. **P11M.** The district court's "frivolous" rationale is itself clearly specious. Federal district courts were created by Congress to be finders of fact, and to consider matters involving the constitutional rights of citizens under Title 28, 42 U.S.C. § 2000bb-1, and the other statutes cited in the complaint (ROA.193, paragraph 251), not to act as purveyors of specious unqualified opinions, nor as protectors of illegal and invalid abuses of government privilege over the rights of deliberately impoverished plaintiffs under 28 U.S.C. § 1915 and our Constitution.

	P11N. These same acts, violations, and injuries, when perpetrated by other defendants, and against other non-impoverished plaintiffs, are handled routinely by these same courts. These governmental defendants, most particularly DOJ and its agencies, are the institutions in which many district court judges began their public employment, and thus may potentially be directly conflicted. Willful blindness to facts and law, and inherent personal or political conflicts of interest, are not matters of professional discretion permitted to any district court judge under 28 U.S.C. §§ 144, 1915, the Canon of Conduct, nor under any statutory authority constitutionally granted to these district or appellate courts by Congress. This appellate court must hold this district court to that same standard of dispassionate, objective professional conduct, regardless of the names and institutional identities of these defendants. **P11O.** If recusal and reassignment are required, this Court must intervene so that the integrity of our justice system and of unalienable rights in our Constitutional system are preserved.
C12. Neither the Court nor Defendants can reasonably be expected to identify Plaintiff's claims, and Defendants cannot be expected to prepare an answer or dispositive motion for such wide-ranging allegations.	**P12A.** Fifty-four specific claims are made in the Complaint's Claims section (ROA.940-1280, paragraphs 785-854), which each cite the specifically relevant 110 sets of facts (ROA.426-899, paragraphs 593-710), and incorporate approximately 12,500 pages of evidence, much of which is specifically required by F. R. Civ. P. Rule 9(b) in pleading frauds, wherein the specific defendant, operating in secrecy and undercover, cannot be readily identified by these plaintiffs, and therefore must have direct access to this curated evidence to self-identify to compose legally responsive answers and cross-claims. **P12B.** All 54 claims (ROA.940-1280, paragraphs 785-854), specifically identify culpable defendants to the maximum extent possible given the secrecy of the program. The primary perpetrators, CIA, Army, FBI, DOJ, include a specifically named US Attorney (defendant Rosenberg, later FBI Chief of Staff) who acted well outside the legal scope of authority granted at 28 U.S.C. § 547, and various specifically identified police powers agencies acting in bad faith well outside their legal scope of authority. all in an associated-in-fact enterprise pattern of racketeering acts (18 U.S.C. §§ 1961-1968) and rights violations. **P12C.** Complex litigation is in no way beyond the reach of the defendants' capabilities or resources – nor does the law abide such an excuse in any event. These defendants may wish to avoid specific answers to these very specific claims - but there is no legal basis for them to evade answering the Complaint. **P12D.** Unlike the impoverished appellant who is acting pro se as a result of defendants' injuries to him and others in his families of origin and marriage, these defendants are well equipped, well resourced, have documented knowledge and expertise in law, and direct access to the material facts

	needed to answer these claims directly, forthrightly, and timely. The district court cannot constitutionally abet evasion of these defendants' obligations under law. It has erred and deprived appellant and others of their constitutional rights.
C13. See, e.g., Brewer v. Wray, No. 1:22-cv-00996, 2022 WL 1597610 (D.D.C. May 16, 2022), aff'd, No. 22-5158, 2022 WL 4349776 (D.C. Cir. Sept. 20, 2022); see also Brewer v. Wray, No. 23-00415, 2023 WL 3608179 (D.D.C. Feb. 28, 2023), aff'd, No. 23-5062, 2023 WL 3596439 (D.C. Cir. May 23, 2023).	**P13A.** Material changes were made to citations of law, factual content, and to the number, nature and content of claims, between the 2022 D.D.C. complaints and this 2024 Northern District of Texas (NDTX) .complaint – all ignored by the district court in its one day from docket to dismissal process. The D.D.C. 22-cv-996 and 23-cv-415 complaints were both subsequently comprehensively rewritten. D.D.C. 22-cv-996 was 104 pages. D.D.C. 23-cv-415 was highly repetitive, with 1534 pages, and 43 claims. That district court also specifically suppressed, and failed to consider, essential evidence from the record, by its order at 23-mc-0014. **P13B.** This NDTX 2:24-cv-123-Z complaint is highly materially different in fact and legal analysis after thousands of hours of diligent forensic analysis and legal research, is far more tightly written with minimal repetition, argued in 1324 pages, and incorporates 54 claims. Detail in each claim was expanded by (a) thousands of hours of additional forensic analysis and legal research, and (b) the emergence of additional evidence including, without limitation, critical breakthroughs in the identifications of specific individual defendants, which specifically link those particular individual defendants to specific institutional defendants. These institutions were previously suspected but unknown due to fraudulent concealment, ROA.243 paragraph 320. These identification breakthroughs began in September 2023 through May 2024, and have continued into August 2024, requiring yet further revision to the complaint upon remand.
C14. For these reasons, and for those addressed in similar actions filed (and dismissed) in the D.C. Circuit, it is ORDERED that the Complaint is DISMISSED WITHOUT PREJUDICE**.**…..*same case listing as C13 above deleted here for brevity……* It is further ORDERED that Plaintiff's Motion for Leave to Proceed In Forma Pauperis (ECF No. 4) is GRANTED, while the	**P14A.** For the reasons cited above, the D.D.C. cases cited in this district court's order are very dissimilar from the NDTX case 2:24-cv-123-Z at issue here as those prior D.D.C. dismissals did not incorporate the more fully developed fact set and range of statutory violations, so are materially different in myriad respects. **P14B.** In view of the profound errors made by this district court as cited herein, this court is requested to reverse the entered Order and Judgement, and remand this matter to the district court, or reassign in the event of a conflict of interest not known to appellant, for proper consideration of the entire matter. **P14C.** In light of on-going hacking by defendants most likely associated with CIA and Army, a secure method for electronic entry (as requested at ROA.1470 ECF # 5) of the evidence required under F. R. Civ. P. Rule 9(b), both for judicial efficiency and to minimize costs to the purposefully impoverished appellant must be provided by the district court to maintain the integrity of evidence in this proceeding.

remaining Motions are DENIED. SO ORDERED. June 6, 2024	

14. Federal district courts are required to liberally construe pro se pleadings, *Boag v. MacDougall*, 454 U.S. 364, 365 (1982) (per curiam); *Haines v. Kerner*, 404 U.S. 519, 520 (1972) and must give good faith weight to each and every allegation and argument presented in order to arrive at a threshold *sua sponte* dismissal order. The factual basis of the Complaint includes, without limitation, (a) 54 specific statutory claims (ROA.940-1280, paragraphs 785-854) backed by 110 in-line examples of specific patterns of conduct, ROA.426-899 paragraphs 593-710, of which forty-nine (49) are backed by explicit direct evidence currently suppressed from the district court record, and some of those same forty-nine (49) and each of the other five (5) claims are inferred through strong circumstantial evidence which can be developed through discovery, (b) multiple antilog medical devices based upon the same principles of science and technology used in the illegal bioweapon currently in successful FDA human trials by Synchron and NeuraLink (ROA.51, 52, 283, paragraphs 6 Illustration 4, paragraphs 373, 374), (c) contemporaneous illegal practices by the UNITED STATES, documented by Congress. which have and do occur in the same departments and agencies which have abused these plaintiffs using those documented illegal methods (ROA.274-279, 297-299, paragraphs 357-364, 403-407), and (d) 12,500 pages of independent documentary and expert level analytical evidence not allowed to the record for consideration, examples shown at ROA.2006-2178. The legal bases of the Complaint are (e) 54 claims under federal and state statutes which each and all offer civil rights of action, and injunctive and monetary remedies (ROA.1299-1307, paragraphs 893-901), (f) serious legal arguments regarding abuse of state secrets and police powers by government organizations known for such practices (ROA.193-268, paragraphs 250-346), and (g) direct evidence of named major federal and local police powers agencies directly engaged in an attempted

coverup (ROA.403-424, paragraphs 555-572). Each of these dispositive fact patterns and related legal arguments are most certainly worthy of weight in any rational determination of frivolousness when liberally construed as required by the *Neitzke*, *Denton, Boag,* and *Haines* mandates. The district court failed to even allow itself the time necessary to read and comprehend the complaint.

15. A *sua sponte* dismissal order adjudged and entered (i) one day after a Complaint is docketed (Clerk's certified docket), which Complaint (ii) requires a highly proficient reader over 768 hours to read (calculated at paragraph 8 herein), and which (iii) is based upon an immediate reprise of dissimilar actions filed elsewhere prior to (iv) thousands of hours of (iv-a) extensive additional forensic research, (iv-b) specific identifications of persons noted in the Complaint (ROA.122, 395, paragraphs 99, 541) which explicitly tie certain persons to specific government police powers operations, (iv-c) and to those persons own direct conflicts of personal interest with the interests of justice, (iv-d) further factual and legal analysis, and (iv-e) eleven statutory claims added to the 43 previously entered in another district after thousands of hours of additional intensive forensic analysis (which did and does continue), does not and cannot meet any rational standard nor any reasonable interpretation of the principle of liberal construction required of district courts when considering in forma pauperis pro se complaints in accordance with the *Neitzke*, *Denton, Boag,* and *Haines* mandates. It is the district court's Order itself which must be regarded as the frivolous action – an abuse of discretion by the district court. This Court must remand to the district court to meet its own statutory obligation to fairly and impartially adjudge the cases before it under 28 U.S.C. § 43(b).

16. Federal district courts have a regrettable and persistent history of turning a blind eye to the complaints of US persons abused by institutions. Institutional corruption brought before federal courts has been de facto ignored through myriad forms of "discretionary," read properly as arbitrary, dismissals in such cases of profoundly harmful institutional conduct. Direct modern examples of this persistent pattern of

abuse of discretion by federal district courts, and of the parallel practice by DOJ, including willful blindness to institutional corruption and criminality, include the extreme injuries to generations of children by pedophilia widely practiced in the Catholic Church hierarchy for decades; to criminal conduct against civilians by the CIA and Army in their secret illegal drugging of Americans with 100 million doses of LSD over 20 years in MKUltra, paragraph P11 herein; and in the DOJ/FBI conduct of its secret Cointelpro war on the civil and constitutional rights of millions of Americans which damaged and destroyed civic, cultural, and religious organizations through disruption, mayhem, character assassination, direct violence, and the funding of violent White supremacist militia, paragraph P11 herein. .

17. It is also a fact of history, and of the present era, that most individual judges have and do hail from the very department, DOJ, which has and does ignore the prior entreaties and complaints of Americans, including the appellant, ROA.84-92, 398-425 paragraphs 34-37, 550-584, against powerful institutions who wrongfully and deliberately assert state secret privilege and police powers exemptions as abuse those privileges and exemptions to trample on citizens' unalienable rights. This is another in that series of cases. It is the federal court system, and its ability to act fairly and impartially on factual evidence, on valid statutes, and on legal precedents established by our higher courts, which is on trial in this appeal.

18. The appellant's own great-great grandfather fought for four years in the Civil War to defeat slavery and involuntary servitude and reunify our nation. He was awarded Army's Medal of Honor (that same Army which is a defendant herein in its involuntary servitude of his descendants) after his bold action at the Appomattox Courthouse in April 1865, one of 3,536 military personnel to be so honored in our nation's history. The appellant's father faithfully served that same Army during the Korean War era as a conscientious objector and medic. He was targeted by this illegal CIA and Army program for biomedical abuse and illegal human experiments over many years after his military service, as was and is his son, now the appellant. From age 12, the appellant, together with other family members, church members, and

others in this class of plaintiffs were secretly maneuvered for a time into two false government run churches, and have been subjected as unwitting involuntary human subjects to illegal medical experiments which directly echo the Nazi Dachau Concentration Camp experiments. (ROA.41-92, paragraphs 1-37) on religious, political, and ethnic prisoners, many of whom were arbitrarily rounded up and held without due process.

19. The UNITED STATES, through CIA, Army, DOJ, and other police powers, has illegally developed and tested the prohibited bioweapon and bioweapon delivery systems on unwitting American children and adults, violating 18 U.S.C. § 175. Conducted secretly at vast expense by UNITED STATES, including, without limitation, CIA, ARMY, and DOJ, this illegal BRMT bioweapon program has and does use the tools of racketeering (18 U.S.C. §§ 1961-1968) to sustain secret involuntary servitude in violation of the *Thirteenth* amendment, which serves as UNITED STATES' substitute for more transparently obvious illegal Dachau style physical incarceration, as it abuses the minds and bodies of these illegally selected unwitting human subjects it has arbitrarily chosen based upon their religion, violating 42 U.S.C. § 2000bb-1, to conduct its illegal, abusive and, at times, torturous and deadly, biomedical experiments. The appellant and other plaintiffs themselves have been, and are still, deprived of rights, property, and illegally constrained by this secretly managed associated-in-fact enterprise and its pattern of racketeering acts, 18 U.S.C. §§ 1961-1968, (ROA.640-863, paragraphs 639-710). For some, such as the appellant, an unrelenting accompanying stream of very public lies and orchestrated outrageous behaviors has been directed at them by UNITED STATES and its co-conspirators (ROA.426-899, 1232-1237, 1280-1296, paragraphs 593-710, 844, 853). Other members of this class, originating in this common Quaker religious heritage of generations of appellant's own family of origin, have suffered from this same painful, secret, and corrupt federal conduct of UNITED STATES and its co-conspirators (ROA.41-92, 929-939, 986-995, 998-1035, paragraphs 1-37, 766-781, 803, 805). Discovery will expand this class of plaintiffs well beyond this original core group of unwitting

human subjects, just as the appellant's forensic analysis has already accomplished for both plaintiffs and defendants herein (ROA.86, 160, 187, 396, paragraphs 36, 149, 226, 541). Clear documentary evidence, referenced at the 110 subcounts (ROA.426-899, paragraphs 593-710, which comprises the F. R. Civ. P. Rule 9(b) substance of nearly every one of the 54 claims (ROA.940-1298, paragraphs 785-854 was suppressed from the district court record by the order and judgement (ROA.1522, 1524 ECF #8, 9).

20. Methodically developed forensic identifications demonstrating the scope, extent, and duration of the federal executive branch cover-up and its direct conflicts of interest with the interests of justice are summarized at ROA.84-92, 120-126, 197-254, 920-929, paragraphs 34-37, 93-100, 255-321, 760-762. The basic principle behind this systematically fraudulently concealed violation of rights and law is simple. Federal officials present when J. Edgar Hoover de facto ran the Department of Justice (if there was no investigation ordered or consented to by Hoover, there was no prosecution by DOJ) into the early 1970s when the appellant's family was initially being trafficked and abused at his age 5 in 1961 and thereafter, carefully selected police powers and justice personnel who they then promoted and recommended for court nomination and confirmation, based upon the earlier inculpation of those same individuals in this secret illegal bioweapon program. For example, that is how defendant Mueller (ROA.88, paragraph 36) was maneuvered through DOJ and into the FBI Director position in 2001, having started in the false church in Kent, WA attended by the appellant from 1970-1972, after a medically prescribed overdose of codeine and aspirin was used to induce Reye Syndrome and death of one of two younger twin sisters of the appellant in April 1970 (ROA.41-43, 299-309, 986-989, 998-1016, paragraphs 1-2, 409-421, 803A-H. 805A-AM). Mueller was forensically identified in August 2024 by morphology and association with his then cover name Leland Herschberger, as forensic work to uncover identifications and make network connections among co-conspirators has continued during this appellate process,. The governmental incentive was, and still is, to fraudulently conceal and cover up their own involvement by inculpating their successors in these illegal

programs to perpetuate the continuing cover-up by removing, or at least massively reducing, the risk of future prosecutions in the event of discovery of the criminal conduct in this illegal bioweapon program, which has been fraudulently concealed by abuse of the state secret privilege for over six decades. The corrupt program and this pattern continue today, and simply put, comprise an associated-in-fact enterprise under 18 U.S.C. §§ 1961-1968..

21. These historical and contemporary patterns of predatory government police powers, intelligence, and military abuses of American citizens including, without limitation, the involuntary secret abuse of Americans as human guinea pigs in illegal bioweapon development; programmed destruction and illegal taking of life, rights, property by illegal government targeting, spying, and predation, by abuse of privilege must end. The unalienable rights of this appellant and these plaintiffs must be restored. The US Department of Justice has and does refuse to act, maintaining official silence to all entreaties and complaints (ROA.394-425, paragraphs 541-584, Interline Exhibit 15E). DOJ's current Attorney General and past leadership (paragraph 20 above) are hopelessly directly entangled in this illegal program and its criminal conduct, and have direct personal conflicts of interest with the interests of impartial justice.

22. The "inferior" federal courts created by Congress are obliged by statute and by their Canon of Conduct to recuse if their interests are in any way entangled with those of any party to a dispute before them, and to act as the constitutionally provided place of last resort they are intended to be, not as co-dependent enablers of the Article II department they hail from, nor as the last refuge of government scoundrels and co-conspirators. A primary function of Article III is to protect the American People from predatory acts of their government – that was among the conditions imposed in the Constitution by the Founders at the 1787 Constitutional Convention – and reinforced by the first ten amendments, the Bill of Rights, which the Constitution's principal author James Madison wrote at the insistence of the anti-federalists so they would agree to support ratification of our Constitution. This court must play its

Congressionally mandated role in that constitutional system, and protect the blessings of liberty, over the corrupted interests of those who prefer fraudulent concealment of another in a series of corrupt government programs.

23. Put another way – "For what is a man profited, if he shall gain the whole world, and lose his own soul?...." from Matthew 16:26. Religious liberty as constitutionally defined OR perpetuated empowerment of corrupted government institutions – that is the stark constitutional choice before you.

Requested Relief

24. This court is requested **(A)** to reverse the Order and Judgement (ROA.1522, 1524 ECF #8, 9) and remand to the district court, this matter for proper adjudication, or to reassign to another district court which is not conflicted in the event of a conflict of interest not currently known to appellant, as prescribed in Title 28 U.S.C. Part V, including discovery, motions, and trial by jury. This court is **(B)** further requested to order the district court to facilitate electronic entry of all evidence required under F. R. Civ. P. Rule 9(b) to the record by securely delivered portable electronic drive (flash drive) or compact disc (CD) to (i) avoid technical hacking by certain defendants previously discovered and documented, to (ii) provide security of evidence from defendant tampering, for (iii) judicial efficiency, and (iv) to minimize the costs of printing, postage, and handling to the purposefully impoverished Appellant acting pro se, so (v) these well-resourced defendants can secure their rights in making the required dispositive answers to the Complaint upon its amendment for the additional forensic discoveries made in the interim and (vi) may also enter any cross-claims against other defendants, particularly defendant UNITED STATES.

Dated: September 10, 2024

Respectfully submitted,

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Certificate of Compliance

By the signature below, this brief is certified to contain 12,889 words, as certified under Rule 28.1(e)(2), effective September 10, 2024.

Dennis Sheldon Brewer, pro se attorney, counsel of record