

From:

June 5 2019

Walter Tuvell, PhD
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<http://JudicialMisconduct.US>

To:

AnnaLou Tirol
DOJ Public Integrity Section
935 Pennsylvania Avenue, NW
Washington, D.C. 20535-0001

Cc:

Andrew Lelling, U.S. Atty. Office
J. J. Moakley Courthouse
1 Courthouse Way, Suite 9200
Boston, MA 02210

Michael E. Horowitz
DOJ Office of the Inspector General
935 Pennsylvania Avenue, NW
Washington, D.C. 20535-0001

Subject:

Complaint Of Lying And Cover-Up By Andrew Lelling

COMPLAINT AGAINST ANDREW LELLING: LYING & COVER-UP

With this letter, I hereby **formally accuse** U.S. District Attorney Andrew Lelling¹ of illegally/corruptly **covering up** criminal behavior (by federal judges), and of **lying** about it (as explained herein).

STATEMENT OF FACTS (WITH EXHIBITS, ATTACHED)

Previously, on May 15 2019, I filed a Complaint of criminal behavior (Exh.A).² Mr. Lelling falsely replied to that previous Complaint on May 22 (Exh.B). **Lelling's reply consisted of lies and cover-up.**

1 • Together with some so-called "Duty Paralegal" (identified as "K.M.") acting directly as Lelling's agent.

2 • That previous complaint was filed with multiple government officials, including Mr. Lelling, Ms. Tirol and Mr. Horowitz (Exh.A ¶4).

Namely, Lelling falsely pretends (Exh.B): “The U.S. Attorney’s Office does not represent individuals, and cannot give legal help or advice to individuals.” It was a **bald-face lie** for Lelling to pretend I was seeking any kind of “individual legal representation, help or advice!”³ Instead, I was *obviously reporting proven crimes*. Those crimes (Exh.A ¶3 top), which go above-and-beyond violation of Constitutional Due Process, reach unto the level of Criminal Obstruction of Justice (or Fraud Upon the Court, by Judges) via Falsification of Court Facts/Record, and subsequent Cover-Up, thusly:

18 USC §1519 (augmented by **18 USC §1503**, see f4(iii) *infra*, this page) — **Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department⁴ or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter** or case, shall be fined under this title, imprisoned not more than 20 years, or both.

3 • As Lelling knows very well, that would be *impossible*, for at least two reasons: (i) The case (*Tuvell v. IBM*) has already completed its full travel through the judicial system (and “lost” precisely because of the criminal behavior of the judges), as *explicitly explained* at Exh.A ¶1 f1. (ii) No ordinary (non-government-official) citizen, such as myself, can reasonably bring a Civil Action against a judge (cf., e.g., 42 USC §1983), and certainly not the Criminal charges I complain of.

4 • (i) The quoted non-limiting language of **18 USC §1519** — “whoever” — *includes judges* (noting that “jurisdiction” resides in the *role*, not the *person*).

(ii) Further, the quoted non-limiting language of §1519 — “any matter within the jurisdiction of any department or agency of the United States” — “is intended to describe” (according to the very *definition* of the wording “departments and agencies,” per 18 USC §6) the functioning of the entirety of all three branches of the federal government as a whole. *Viz.*: §1519 is embedded within the overall “context” (18 USC §6) of the so-called “Obstruction of Justice Statutes,” 18 USC §1501-1521, *some* parts of which *do* employ limiting language, but §1519 *does not*.

(iii) In our specific case of *judicial-branch proceedings*, we *also* can/do rely on **18 USC §1503**: “Whoever corruptly ... influences, obstructs or impedes [by any means whatsoever, this being the so-called ‘Omnibus Clause’] ... the due administration of justice [i.e., judicial-branch-specific], shall be [guilty of offense] ...”

Obviously, Judge Casper did violate 18 USC §1519 (and §1503), by “falsifying the facts” of *Tuvell v. IBM* — **by her own self-declaration/admission** (then, others covered-up), as **proven** at Exh.A ¶2.

And hence, by Lelling’s lying (just explained), he himself has knowingly/proactively joined my previous **cover-up** Complaint.

WHAT MUST HAPPEN NEXT

This Complaint now joins my earlier one. **DO SOMETHING!** At a minimum, if I’m wrong (I’m *not*), you can/must simply **explain why** judges are “above the law:” permitted to blithely commit due-process civil-rights crimes (***totally ignoring*** the mandatory/non-optional Summary Judgment rule/law/precedent of **crediting nonmovant**) without oversight/repercussion from the Department of Justice. But you refuse to provide any such explanation (because: it *doesn’t exist*).

If you don’t/won’t prosecute this *obvious* crime, you’ve insanely signed a *carte blanche* certificate for judges to ***totally ignore all procedural due process*** — by “making up” any “facts” they want — anywhere, anytime, against any party. **And you know it.**

Is there no legitimate honor amongst our sworn civil servants?

Apparently not. And you know it (but corruptly don’t/won’t act upon your plain knowledge/understanding).

VERIFICATION; SIGNATURE

Signed under the pains and penalties of perjury:



Walter Tuvell

From:

May 15 2019

Walter Tuvell, PhD
836 Main St.
Reading, MA 01867
781-475-7254 (c)
walt.tuvell@gmail.com
<http://JudicialMisconduct.US>

To:

Multiple Federal Officials and Agencies (see list on last page)¹

Subject:

Criminal Complaint Against Federal Judges

COMPLAINT/PROOF OF CRIMINAL MISCONDUCT BY JUDGES

With this letter, I hereby **forcefully formally accuse** District Judge Denise Casper, and the Judges of the First Circuit Court of Appeals, of **criminal misconduct**, for their fraudulent/corrupt behavior (decision, judgment, subsequent support/affirmation/“cover-up”) regarding the case **Tuvell v. IBM** (D.Mass. №1:13-cv-11292-DJC).

I demand action/investigation/prosecution/correction.

This letter² is a minimalistic *introduction*. The **full account** — narrative with all relevant documentation — is available on my **web-site**, at <http://JudicialMisconduct.US/CaseStudies/WETvIBM>, which is hereby **incorporated in its entirety**.

1 • I have written to most of you previously (example: <http://judicialmisconduct.us/sites/default/files/2017-04/CRIMDIV.pdf>). But you've required me to “first exhaust all ‘judicial’ avenues for remedy.” I have diligently pursued and completed that futile exercise (through Supreme Court and Judicial Council/Conference); all have now, at long last, conspired in the stonewall/cover-up. That is, right now is the earliest ripe time for me to write you again.

2 • This letter, in PDF format (with live hyperlinks), is available on my website, at <http://judicialmisconduct.us/sites/default/files/2019-05/FinalCriminalComplaint.pdf>.

CRIMINAL OBSTRUCTION IN A NUTSHELL

You need to know/care *nothing* about the underlying *substantive facts* of the case *Tuvell v. IBM*. You only need to know about the **criminal violation of procedural due process** manifested by the following “**Smoking Gun**” from Judge Casper’s opinion, dismissing the case (<http://judicialmisconduct.us/CaseStudies/WETvIBM#smokinggun>):

the production of evidence that is ‘significant[ly] probative.’” *Id.* (quoting *Anderson*, 477 U.S. at 249) (alteration in original). The Court “view[s] the record in the light most favorable to the nonmovant, drawing reasonable inferences in his favor.” *Noonan v. Staples, Inc.*, 556 F.3d 20, 25 (1st Cir. 2009).

III. **Factual Background**

The facts are as represented in IBM’s statement of material facts, D. 74, and undisputed by *Tuvell*, D. 82, unless otherwise noted.

Tuvell is a white male, born in 1947, who claims to suffer from post-traumatic stress

This “Factual Background” (at SJ) is a TOTALLY INSANE/ ILLEGAL LIE! By SJ RULE/ LAW (Rule # 56 + LR # 56.1 + “Standard of Review” just stated), the court “MUST” CREDIT PSOF (Dkt.# 83), TRUMPING DSOF (Dkt.# 74)!

DSOF(Dkt.# 74) & PSOF(Dkt.#83) are REQUIRED (by LR # 56.1); RespDSOF (Plf.’s Response to DSOF, Dkt.# 82) is OPTIONAL. RespDSOF pointed into PSOF 19 times, but the judge DIDN’T FOLLOW those pointers, not even once.

Here, Judge Casper *falsely* says/acts (and other Judges *cover-up/stonewall*), with **farcically impossible self-contradiction**:

- ▶ she **MUST** credit/believe **MY (true) version of factual assertions and inferences** (*by law/rule* at Summary Judgment); but
- ▶ *lying/gaslighting*, she chooses **OPPOSITELY** to credit/believe **IBM’s disputed (false) version of all (genuine, material) facts!**

This was *not* “mere/harmless error/misspeak.” Her **falsified-facts** *completely* determine the sole basis/core of her dismissal.³

3 • **Irrefutable details:** <http://judicialmisconduct.us/sites/default/files/2017-05/PSOFExclusionTable%2CUnabridged%2CAlt.pdf> and http://judicialmisconduct.us/sites/default/files/2017-04/11_PetWritTable-Unabridged-JUXTAPOSED.pdf. **Bribes? Incompetence? Insanity? Whim? Age/Male/White/PTSD/PhD/Pro Se Bias??**

That is *ipso facto* 100% 180° WRONG/ILLEGAL. PERIOD. No Judge offers any reasons/precedents (only lies, cover-up). There exists *no comparable case* in American law — literally.

This makes mockery of **Constitutional Due Process (Equal Justice, Right to be Heard by fair/unbiased tribunal/proceedings)**.⁴ It's **Fraud Upon the Courts** (by Judges). It's **Criminal Misconduct (Obstruction of Justice, Falsification of Facts, Cover-Up, etc.)**.^{5,6}

If I'm wrong: explain why! Stop stonewalling/covering-up!!

WHAT MUST HAPPEN NEXT

The relevant material, all available on my website, is exhaustive and dispositive; you'll need time to digest it. But first you must at least **promptly acknowledge your receipt of this letter**. And you must be mindful of the relevant federal statutes of limitations.⁷

And: I hereby request/demand **in-person meetings** with all of you. Anywhere/anytime (but as soon as possible). You name it.

VERIFICATION; SIGNATURE

Signed under the pains and penalties of perjury:



Walter Tuve

4 • See http://judicialmisconduct.us/sites/default/files/2017-04/01_PetWritCert%2BApx.pdf and http://judicialmisconduct.us/sites/default/files/2017-04/05_PetReh.pdf.

5 • See list of crimes at <http://judicialmisconduct.us/Introduction#criminalliability>.

6 • Note also that it's defrauded me personally of ~\$350,000 out-of-pocket.

7 • Five years from Supreme Court denial on Nov 7 2016 (18 USC §3282). But **Relief from Judgment** per *Fraud Upon the Court* (FRCP 60(d)(3)) has **no time-limit** (pursuant to which, *sua sponte relief/vacation* would be most appropriate — now).

*List of Addressees, via U.S. Mail:*⁸

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⁸ • In addition, I'm also contacting electronically those of you who publicize electronic email and/or webform (pointing to the online version of this letter, see footnote 2 *supra*). I'd also call you by telephone, but experience has shown that to be futile almost always (but if that's mistaken in your case, please let me know).



U.S. Department of Justice

Andrew E. Lelling
United States Attorney
District of Massachusetts

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John Joseph Moakley United States Courthouse
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May 22, 2019

Walter Tuvell, PhD
836 Main Street
Reading, MA 01867

Re: Your letter dated May 15, 2019

Dear Walter Tuvell,

Our office is in receipt of your correspondence dated May 15, 2019, regarding your accusations against District Court Judge Denise Casper and the judges of the First Circuit Court of Appeals.

The U.S. Attorney's Office does not represent individuals, and cannot give legal help or advice to individuals. However, a private attorney or legal aid office may be able to assist you. The Boston or Massachusetts Bar Association may be able to refer you to an attorney that specializes in these types of matters. You can reach the Boston Bar Association's attorney referral service at (617) 742-0625 and the Massachusetts Bar Association's attorney referral service at (617) 654-0400. The Massachusetts Bar Association also has a website for more information on attorney services at <http://www.masslawhelp.com>.

If you cannot afford an attorney, there are some services that provide free or low cost legal representation. For referrals to Boston-area free and low-cost legal services, please call the Legal Advocacy and Resource Center's hotline at (800) 342-LAWS or (800) 342-5297 or visit their website at <http://www.larcma.org>.

Thank you for your correspondence, which will be kept on file at our office for one year.

Sincerely,

/s/ K.M.
Duty Paralegal