

From:

Jun 21 2019

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To:

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

Subject:

Andrew Lelling Continues His Criminally Corrupt Lying

## CONTEXT

This instant letter is, now, the most recent in a sequence of six:<sup>1</sup>

**Let.#1** (May 15 2019) — My initial letter; a.k.a. **Final Criminal Complaint**. <https://JudicialMisconduct.US/sites/default/files/2019-05/FinalCriminalComplaint.pdf>.

**Let.#2** (May 22 2019) — Lelling's response to Let.#1. <https://JudicialMisconduct.US/sites/default/files/2019-06/LellingLetter1.pdf>

**Let.#3** (Jun 5 2019) — My response to Let.#2; a.k.a. **Lelling Complaint**. <https://JudicialMisconduct.US/sites/default/files/2019-06/LellingComplaintWithExhibits.pdf>.

**Let.#4** (Jun 8 2019) — My addendum to Let.#3. <https://JudicialMisconduct.US/sites/default/files/2019-06/LellingAddendum.pdf>.

**Let.#5** (Jun 13 2019) — Lelling's response to Let.#3,4. <https://JudicialMisconduct.US/sites/default/files/2019-06/LellingLetter2.pdf>.

**Let.#6** (Jun 21 2019) — This instant letter, responding to Let.#5. <https://JudicialMisconduct.US/sites/default/files/2019-06/LellingContinuesLying.pdf>.

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1 • The *full* account — i.e., readable narrative plus **all** relevant documentation — is available on my website, <https://JudicialMisconduct.US/CaseStudies/WETvIBM>, which is hereby **incorporated in its entirety**.

## ARGUMENT

Paraphrasing Lelling's Let.#5, he continues to deny/shirk his/government duty/responsibility to "do anything" about obvious/self-evident **crime**, and instead he dismissively tells me to "simply go take care of everything by yourself (via private Civil Action)."

Lelling's reaction is so outrageously insanely unconscionable that it's difficult to know how to respond in a finite amount of space/time. We make our best attempt to highlight Lelling's most blatantly appalling absurdities in the numbered paragraphs below. But the basic summary is quite straightforward:

**That's just not how Rule of Law works in America. It is Government's duty to protect The People from organized criminal activity. Government doesn't tell people: "Crimes are your problem, not ours."**

¶1 • The wrongs I'm complaining about are **federal public crimes**,<sup>2</sup> widely affecting **many thousands** of people/citizens annually (namely, all litigants in all federal courts)<sup>3</sup> — **not "merely" private torts** narrowly affecting "only me on a one-off basis," as Lelling falsely pretends. So, *even if* my particular case (*Tuvell v. IBM*) were magically fixed, it **wouldn't help fix** the U.S. Judicial System — which is what truly desperately needs fixing.

¶2 • *Even if* I were to initiate a private Civil Action, there's "no way

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2 • Felonies, actually: **Falsification of Facts, Obstruction of Justice, Cover-Up, 18 USC §1503,1519,1001**, etc. (see Let.#3,4). And also **Constitutional (Procedural) Due Process**, of course.

3 • I.e., I'm filing a case of exactly the type Lelling's Let.#5 ¶1 addresses: "This office ... represents the United States of America in criminal matters filed against individual [such as judges acting falsely under color of law/authority, and subsequent cover-up thereof] or corporate defendants."

in hell” it could possibly succeed. For, the case would necessarily be filed in the First Circuit. But the **whole First Circuit**<sup>4</sup> has already proven itself to be strictly biased against me: “it’s OK for judges to Obstruct Justice against Tuvell, just as we all let Judge Casper do in *Tuvell v. IBM.*”

¶3 • No lawyer would ever take the case. Because, they’re afraid to “speak truth to power” (because judges are vindictive bullies).<sup>5</sup> And, I could never afford it (given that the First Circuit has defrauded/swindled/scammed me out of ~\$350,000 already).

¶4 • But in any event, all the above (¶1-3) are **impossible, a priori off the table**: because **no private cause of action even lies** for the complained-of crimes.<sup>6</sup> For, what’s operative here is the so-called “law of *private* (as opposed to *public/governmental*) **rights/causes of action** (be it explicit/expressed or implicit/implied) for federal statutory crimes” — which is fraught with formidable/insurmountable legalistic/technical difficulties generally, and which **forbids** such rights/causes under *all* of the specific laws relevant to this case.<sup>7</sup>

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4 • At least to the extent of Judge Casper herself (who committed the original Obstruction crime, arbitrarily/capriciously), plus literally all First Circuit Appellate and Judicial Council Judges (who then insanely **covered-up**, by willfully turning blind eyes to Casper’s crimes). And now, Lelling joins them.

5 • And, let’s be real here: If a *litigant*, or a *lawyer*, or a *prosecutor*, or a *clerk*, or a *state judge*, or indeed anyone other than a *federal judge*, did what my judges have done to me (Falsification of Facts, Obstruction of Justice, Cover-Up), then Lelling would certainly “chomp at the bit” to pursue the case (as he should). But he too knows his “bread is buttered” by the federal judges, so he too fears “speaking truth to power,” and kisses-up to them, and damns/screws the American Public.

6 • This was already noted at Let.#1 ¶2 f3(ii), so why Lelling continues to falsely thump the issue is mind-boggling. Of course Lelling has always known about this, and is intentionally falsely giving me the “bum’s rush royal run-around,” ushering me down impossible blind alleys. **This is not how a legitimate government treats its subjects.**

¶5 • Even if Lelling himself doesn't "want" to handle the case I'm filing, he should/must **refer it appropriately**, as he claims to do usually (Let.#5 ¶1): "Almost all complaints or allegations of crime made to our office get referred to another agency for investigation."<sup>8</sup> Such referral is *ethically/legally required by Oath* Lelling is sworn to uphold.<sup>9</sup>

¶6 • At a broader/higher level than my instant Complaint: Everyone knows<sup>10</sup> that, as a general matter, **federal Judges are illegally/ criminally biased against employment discrimination cases** (such as *Tuvell v. IBM*). **This cannot be denied.**<sup>11</sup> My case, *Tuvell v. IBM*, does happen to be the **most uniquely egregious example on**

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7 • For a recent survey, see generally C. B. Newcombe, *Implied Private Rights of Action: Definition, and Factors to Determine Whether a Private Action Will Be Implied from a Federal Statute*, *Loyola University Chicago Law Journal*, Vol. 49, 117-147 (2017). In particular for the statutory crimes of interest to us, *Hunt v. Florida*, No. 18-00003 (D.Hawaii, 2018) explicitly states: "[U]nder U.S.C. ... §§1503-1519, no private right of action exists to enforce these criminal statutes." For 18 USC §1503, see additionally *Scherer v. United States*, 241 F. Supp. 2d 1270 (D.Kan., 2003). For 18 USC §1001, see *Lee v. USAID*, No. 16-5276 (D.C. Cir., 2017).

8 • An appropriate referral should/must be made to the FBI, as well as to the DOJ Public Integrity Section, PIN, whose webpage (<https://www.justice.gov/criminal/pin>) states: "The Section has exclusive jurisdiction over allegations of criminal misconduct on the part of federal judges ..." What an *honest* Lelling *would* be telling me is: "Holy shit, what happened to you is crazy! We can't let judges Falsify Facts and Obstruct Justice like that. I'm referring this directly to the FBI and PIN for their immediate attention, and I'll follow-up on it too." In effect, all lawyers and authorities (esp. Lelling) have allowed themselves to be castrated by the judges.

9 • 5 USC §3331: "[S]upport and defend the Constitution of the United States ... bear true faith and allegiance ... well and faithfully discharge the duties of ... office."

10 • Though of course I didn't know it at the time I initiated *Tuvell v. IBM* (had I known the truth, I'd never have trusted the courts). Because, the U.S. Government (esp. the Judicial Branch) publishes/promises falsely (via the Law Reporters, esp.) that it respects/observes/upholds The Law — which my case now proves to be a "Big Lie" (<https://JudicialMisconduct.US/CaseStudies/WETvIBM#biglie>).

11 • See the "call-to-action" book *Unequal: How America's Courts Undermine [Employment] Discrimination Law* (2017), by law professors/scholars S. Sperino & S. Thomas (podcast at <https://files.newbooksnetwork.com/publicpolicy/053publicpolicythomas.mp3>; review by T. Beiner, *When Courts Run Amuck*, 5 *Tex. A&M L. Rev.* 391 (2018), esp. the numerous citations in its f14, notably the Symposium documented at 57 *N.Y.L. Sch. L. Rev.* (2012/13)).

**record**<sup>12</sup> though — which makes it the **perfect test case** for this whole sordid area of federal judicial criminality.

As I've said before (Let.#1 ¶3), if Lelling (or anyone else) really wants to “solve” this case once-and-for-all (absent taking action), he/she can do very easily, by concisely explaining why my Complaint lacks merit. **If I'm wrong: simply state why! Stop stonewalling/gaslighting/doubletalking/obfuscating/covering-up/lying!!**

### VERIFICATION; SIGNATURE

Signed under the pains and penalties of perjury:



Walter Tuve

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12 • In Arthur Miller's recent article, *What Are Courts For? Have We Forsaken the Procedural Gold Standard?*, 78 La. L. Rev. (2018), he writes that Sperino and Thomas (in their book *Unequal*, f11 *supra*) “**persuasively** argue that the *hyperactivity in granting summary judgment motions* in civil rights, age discrimination, and disability cases — all matters governed by protective federal statutes — usurps the role of the jury on such questions as what constitutes discrimination by effectively **engaging in fact-finding** and deciding how the facts should be applied” (emphasis added). That much is well-known; for another recent typical First Circuit travesty, see *Micheo-Acevedo v. Stericycle of Puerto Rico* (Petition for Writ of Certiorari at <https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/18-967.html>). But what is **absolutely unique** about *Tuvel v. IBM* is that its judges have illegally/criminally gone very far beyond “engaging in fact-finding,” to the extent of **blatantly Obstructing Justice by literally “Falsifying the Facts”** (by *explicitly* crediting movant's facts, while *explicitly* admitting they're *required* to credit nonmovant's facts at Summary Judgment). This has, with near-certainty, **never happened in any other court decision**; and with absolute-certainly no such other case has ever so impudently been so baselessly/false/silently “ratified”/covered-up by Appellate Courts, Supreme Court, Judicial Council, Judicial Conference — and now by the DO“J”!

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