

From:

Walter Tuvell
836 Main St.
Reading MA, 01867
(781)944-3617 (h); (781)475-7254 (c)
walt.tuvell@gmail.com
Judicial Misconduct Complaints №01-16-90036,01-16-90041

To:¹

Florence Pagano
Asst. Cir. Exec. for Legal Affairs
Circuit Executive Office
Moakley Court House, Suite 3700
1 Courthouse Way
Boston, MA 02110
(617)748-9376
Florence_Pagano@ca1.uscourts.gov

Cc:

Raymond Hulser, Chief, PIN
James Comey, Director, FBI

January 29, 2017

Dear Ms. Pagano:

As you know (from the original Judicial Misconduct papers I filed, and the equally important continuing stream of supplemental communications thereto, such as the instant one), I have complained, *informally*, of **criminal** misconduct by the judges (at various levels) involved in my case.

This note hereby informs you that I have filed **formal criminal charges** against the judges. I will not hesitate to join additional charges/parties (judges as well as non-judges) to my criminal complaint, if/when I detect additional criminal behavior (in particular, **continued conspiratorial “cover-up” denial** that the District judge, Casper, falsified the facts of my case).

The pages/exhibits attached hereto supply the relevant information. As always, (updated versions of) the main documents of my case are available in the ZIP file at <http://bit.ly/2gFjPx1>.

Sincerely yours,



Walter E. Tuvell

1 • Delivered by both email and U.S. mail.

Exhibit A

Email to R. Hulser and J. Comey, Jan. 9, 2017.

Subject: Fwd: Request(/demand) for PIN investigation(/action)
Date: Mon, 9 Jan 2017 11:31:39 -0500
From: Walt Tuvell <walt.tuvell@gmail.com>
To: james.comey@ic.fbi.gov

Forwarding, filing the same complaint with you.

----- Forwarded Message -----

Subject: Request(/demand) for PIN investigation(/action)
Date: Mon, 9 Jan 2017 09:03:03 -0500
From: Walt Tuvell <walt.tuvell@gmail.com>
To: raymond.hulser@usdoj.gov

Directly to Raymond Hulser, Chief of PIN Section of DOJ -

!PLEASE LET ME KNOW WHEN YOU RECEIVE THIS!

I've read about you. You're reputed to be a fearless, very straight shooter. I hope that's not just hype.

According to your website, <https://www.justice.gov/criminal/pin>:

PUBLIC INTEGRITY SECTION

The Public Integrity Section (PIN) oversees the federal effort to combat corruption through the prosecution of elected and appointed public officials at all levels of government. The Section **has exclusive jurisdiction over allegations of criminal misconduct on the part of federal judges** and also supervises the nationwide investigation and prosecution of election crimes. Section attorneys prosecute selected cases against federal, state, and local officials, and are available as a source of advice and expertise to other prosecutors and investigators.

I am currently the victim of very serious public corruption (betrayal of public trust), in the form of Judicial Misconduct in the First Circuit. I request(/demand) investigation(/action) by PIN/DOJ.

As is so common, the COVER-UP (by the Appellate Judges) is even worse than the initial incident (by the District Judge). Overall, the story is even bigger than WaterGate. Not exaggerating. Don't believe it? Keep reading, then try to disprove me.

Do you recognize a SMOKING GUN when you see one? (Of course you do; it's in the District Judge's Opinion (attached, SJOpinion.pdf); see below.)

Do you know the Federal Rules for Summary Judgment, FRCP 56? (Of course you do; but as a reminder, see the attached annotated case, 10_Tolan-v-Cotton,SupCt,ANN.pdf.)

Do you know the D.Mass. Local Rules for Summary Judgment? (No, offhand you probably don't; so see attached FRCP-LR-DMass_56.1,ANN.pdf, concerning PSOF and DSOF [Plaintiff's and Defendant's Statements of Facts].)

The SMOKING GUN (in SJOpinion.pdf) is as follows (three views of it):

#1. Paraphrase of SMOKING GUN:

For the sake of argument let's suppose, hypothetically speaking, that a District Judge sitting in judgment over a civil action (on any topic; the facts are not important), were to grant Defendant's Motion for Summary Judgment (the final pre-trial step before trial), writing her Opinion as follows:

At Summary Judgment stage, the Court is strictly required, by law and by judicial rule, to blindly credit ("believe") the Plaintiff/non-movant's "story" as "true": to view all purported/alleged "facts" (a.k.a. "events," "transactions," "happenings") in the light most favorable to the Plaintiff, resolving all disagreements and inferences therefrom to Plaintiff's benefit. But arbitrarily, in this case, we completely ignore Plaintiff's story, and inexplicably accept Defendant/movant's biased story as "true." On the basis of that known-falsification, we find no laws were broken, so the case is dismissed.

#2. Actual screenshot of Smoking Gun (p.2 of SJOpinion.pdf, annotated):

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.

#3. Actual screenshot of p.1-2 of Opinion (annotated, including the Smoking Gun):

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

WALTER TUVELL,
Plaintiff,
v.
INTERNATIONAL BUSINESS MACHINES,
INC.,
Defendant.

Civil Action No. 13-11292-DJC

This is at Summary Judgment ("SJ") time. SJ is governed by FRCP (Fed. Rules of Civ. Procedure) # 56, augmented by FRCP LR (Local Rule) # 58.1

MEMORANDUM AND ORDER A.k.a. "Opinion"

CASPER, J. July 6, 2015

I. Introduction

Plaintiff Walter Tuvell ("Tuvell") filed this lawsuit against Defendant International Business Machines, Inc. ("IBM") alleging that he was unlawfully terminated as a result of discrimination and retaliation in violation of the Americans with Disabilities Act (the "ADA"), 42 U.S.C. §§ 12101 *et seq.*, and Mass. Gen. L. c. 151B, §§ 4(1), 4(16), 4(4) and 4(5). D. 10.

IBM has moved for summary judgment, D. 73.

ALLOWS the motion.

For the reasons stated below, the Court
The REQUIRED DSOF (Def.'s Statement of Facts, Dkt. # 74) is designed to claim there are "no disputed facts".
The REQUIRED PSOF (Pl.'s Statement of Facts, Dkt. # 83) is designed to claim there are "lots of disputed facts". [That's how the SJ legal game is played.]

II. Standard of Review

This is CORRECT Standard of Review (at SJ, REQUIRED BY FEDERAL LAW)

The Court grants summary judgment where there is **no genuine dispute as to any material fact** and the undisputed facts demonstrate that the moving party is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(a). "A fact is material if it carries with it the potential to affect the outcome of the suit under applicable law." *Santiago-Ramos v. Centennial P.R. Wireless*

Corp., 217 F.3d 46, 52 (1st Cir. 2000) (quoting *Sánchez v. Alvarado*, 101 F.3d 223, 227 (1st Cir. 1996)). The **movant** bears the burden of demonstrating the absence of a genuine issue of **material fact**. *Carmona v. Toledo*, 215 F.3d 124, 132 (1st Cir. 2000); see *Celotex v. Catrett*, 477 U.S. 317, 323 (1986). If the movant meets its burden, the **non-movant party** may not rest on the allegations or denials in her pleadings, *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 256 (1986), but "must, with respect to each issue on which she would bear the burden of proof at trial, demonstrate that a **trier of fact could reasonably resolve that issue in her favor**." *Borges ex rel. S.M.B.W. v. Serrano-Isern*, 605 F.3d 1, 5 (1st Cir. 2010). "As a general rule, that requires 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 disorder ("PTSD") stemming from an incident in 1997 when he was allegedly offered a job with the Microsoft Corporation ("Microsoft"), which was subsequently rescinded. D. 82 ¶¶ 1, 2.

On November 3, 2010, Tuvell was hired by Netezza Corporation ("Netezza") in the Performance Architecture Group. *Id.* ¶ 4. In this position, Tuvell reported directly to Daniel Feldman and reported "on a dotted line" to Fritz Knabe. *Id.* IBM subsequently acquired

¹ For the purposes of this motion, IBM does not challenge Tuvell's claimed disability. D. 75 at 4 n.3.

For an extremely detailed 3-way comparison (Opinion ↔ PSOF ↔ DSOF), which PROVES the Smoking Gun actually happened the way the above screenshots indicate, see 11_PetWritTable-Unabridged-JUXTAPOSED.pdf (attached).

Obviously, the District Judge "can't do" what she did. It's illegal (see attached essay, 09_JudicialTwilightZone.pdf). So I appealed. But the Appellate Court blindly COVERED-UP. So I petitioned for Writ of Certiorari to the Supreme Court. They COVERED-UP too. So I'm currently pursuing the case via Judicial Misconduct charges with First Circuit Judicial Council. But I don't trust them, they'll no doubt COVER-UP too (for the obvious reason that "self-policing" doesn't work, otherwise your PIN section wouldn't exist).

So now I'm turning to you for help. What the judges have done to me is not only un-Constitutional (denial of Due Process and Equal Protection), it's actually CRIMINAL by statute (see 09_JudicialTwilightZone.pdf).

At this point, you should/must want the FULL PROOFS/DETAILS (copies of all important docs, such as PSOF, DSOF, etc.). That's all in the ZIP archive file downloadable from <https://www.dropbox.com/s/v7s4inzzjc06u4v/SupCt=16-343.zip?dl=0>, or equivalently <http://bit.ly/2gFjPx1>. (And there's more where that came from, such as depositions/exhibits/etc. Just ask.)

You should begin digging-in by reading 01_PetWritCert+Apx.pdf (in the ZIP file), which contains the best over-all explanation of the story.

You'll find that the docs in the ZIP file give a FULLY ELABORATED/PROVEN account of everything you need to know about the case. So there's NO "real investigation" needed by your office (other than cheaply checking that I'm telling the truth, e.g., by retrieving your own versions of the documents from the courts in question, or from PACER). But beyond MY particular case, your investigators should(will) want to expand to the other cases and Circuits, and that will take a very major full-scale investigation (almost certainly a Special Prosecutor). We (the American people) encourage that.

Please contact me concerning anything. I am available at any time/place for any kind of consultation (I'd love to travel to DC to meet you for a face-to-face meeting with any investigators you like, for example).

- Walter Tuvell (PhD, Math, MIT & U.Chicago -- i.e., "not-a-crank")

PS. I have NO partisan/political agenda whatsoever. I just want justice, and to fix a very broken system.

Exhibit B

Email to R. Hulser and J. Comey, Jan. 14, 2017.

Subject: Official filing of Formal Criminal Complaint
From: Walt Tuvell <walt.tuvell@gmail.com>
Date: 01/14/17 07:27
To: raymond.hulser@usdoj.gov
CC: james.comey@ic.fbi.gov, Criminal.Division@usdoj.gov

/* The following email content¹ is also attached hereto in PDF format (HulserLetter.pdf).
*/

Dear Mr. Hulser:

Pursuant to PIN's "exclusive jurisdiction over allegations of criminal misconduct on the part of federal judges" (<https://www.justice.gov/criminal/pin>), I hereby file this formal Complaint, regarding public corruption in the Federal Judiciary — specifically, in the Federal First Judicial Circuit (both District and Appellate Judges, and potentially others, judges and non-judges, pending your full investigation).

The details of this Complaint are explained in (i) the attached AO91 Criminal Complaint Form, and (ii) the included USB storage drive.

Please **ACKNOWLEDGE RECEIPT** of this Complaint **as soon as possible**.

Thank you.

Sincerely yours,



Walter E. Tuvell

1. Via email, U.S. mail, and telephone. I've actually tried filing this Complaint several times previously (beginning in November, 2016), to several government agencies (including PIN), via email. However, **nobody has yet ACKNOWLEDGED RECEIPT**. So I'm hereby retrying yet again, by all communications mechanisms I know of.

— Attachments: —

HulserLetter.pdf	216 KB
CriminalComplaint.pdf	330 KB

Exhibit C

Letter to R. Hulser, Jan. 14, 2017.

From:

Walter Tuvell
836 Main St.
Reading MA, 01867
(781)944-3617 (h); (781)475-7254 (c)
walt.tuvell@gmail.com

To:¹

Raymond Hulser
Chief, PIN (Public Integrity Section), Criminal Division
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001
(202)514-1412
raymond.hulser@usdoj.gov

January 14, 2017

Dear Mr. Hulser:

Pursuant to PIN's "exclusive jurisdiction over allegations of criminal misconduct on the part of federal judges" (<https://www.justice.gov/criminal/pin>), I hereby file this formal Complaint, regarding public corruption in the Federal Judiciary — specifically, in the Federal First Judicial Circuit (both District and Appellate Judges, and potentially others, judges and non-judges, pending your full investigation).

The details of this Complaint are explained in (i) the attached AO91 Criminal Complaint Form, and (ii) the included USB storage drive.

Please **ACKNOWLEDGE RECEIPT** of this Complaint **as soon as possible**.

Thank you.

Sincerely yours,



Walter E. Tuvell

1 • Via email, U.S. mail, and telephone. I've actually tried filing this Complaint several times previously (beginning in November, 2016), to several government agencies (including PIN), via email. However, **nobody has yet ACKNOWLEDGED RECEIPT**. So I'm hereby retrying yet again, by all communications mechanisms I know of.

Exhibit D

AO91 Criminal Complaint Form, with Attached Sheet. (Unsigned/undated, pending PIN investigation.)

UNITED STATES DISTRICT COURT

for the

District of Massachusetts

United States of America)
v.)

Judges/Justices: Casper (1st Cir. District Court, D.Mass.); Torruella, Lynch, Thompson, Howard, Kayatta (1st Cir. Court of Appeals); Roberts, Kennedy, Thomas, Ginsburg, Breyer, Alito, Sotomayor, Kagan (U.S. Supreme Court); unnamed/ unknown others (not necessarily all judges)

Case No.

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 6/7, 2015, continuing to present in the county of Suffolk in the (N/A) District of Massachusetts, the defendant(s) violated:

Table with 2 columns: Code Section and Offense Description. Rows include 18 USC §1519,1503,1505; 18 USC §4; 18 USC §242; 28 USC §453; 5 USC §1331; 18 USC §1621-1623,1001; 5 USC §7311(1-2),3333; 18 USC §1918(1-2); 18 USC §371; 18 USC §2381.

This criminal complaint is based on these facts:

This concerns the case Tuvell v. IBM (District #13-11292-DJC; Appeal #15-1914; Sup.Ct #16-343; Judicial Misconduct Complaints to Judicial Council #01-16-90036,01-16-90041). Judge Casper LIED, FALSIFYING ALL THE FACTS OF THE CASE. She issued her FALSE Opinion on July 6, 2015 (Judgment issued July 7, 2015), FALSELY dismissing the case at summary judgment stage; the appellate court subsequently FALSELY affirmed and denied rehearing; the Supreme Court subsequently FALSELY denied Petition for Writ of Certiorari and denied rehearing. All these FALSE acts were KNOWN FALSE AT THE TIME to all judges/ justices, thereby violating the laws listed above.

Continued on the attached sheet.

Complainant's signature

Printed name and title

Sworn to before me and signed in my presence.

Date:

Judge's signature

City and state:

Printed name and title

ATTACHED SHEET

From:

Walter Tuvell
836 Main St.
Reading MA, 01867
(781)944-3617 (h); (781)475-7254 (c)
walt.tuvell@gmail.com

January 14, 2017

To Whom It May Concern:

This "Attached Sheet" accompanies my associated Criminal Complaint form (AO91). The following documents (hereby "included by reference" as part of this "Attached Sheet") support my complaint. They are contained in a ZIP archive file, on a USB storage drive accompanying this Criminal Complaint. Said ZIP file is also available for anonymous Internet download (Dropbox account not required) at: <http://bit.ly/2gFjPx1> (or equivalently, <https://www.dropbox.com/s/v7s4inzzjc06u4v/SupCt%3D16-343.zip?dl=0>).

- **00_README.pdf** — Introductory file. It supplies brief descriptions of the following documents.
- **01_PetWritCert+Apx.pdf**
- **02_PetOptApx.pdf**
- **03_SuppBrief1+Apx.pdf**
- **04_SuppBrief2+Apx.pdf**
- **05_PetReh.pdf**
- **06_PaganoCriminalMisconduct.pdf**
- **07_CriminalComplaint.pdf**
- **08_JudicialTwilightZone.pdf**
- **09_Tolan-v-Cotton,SupCt,ANN.pdf**
- **10_FRCP-LR56.1-DMass,ANN.pdf**
- **11_PetWritTable-Unabridged-JUXTAPOSED.pdf**

Exhibit E

Certified Mail, Sender's Receipt, Jan. 14, 2017.

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

WASHINGTON, DC 20530

OFFICIAL USE

7015 0920 0000 0456 4078

Postage	\$3.36
Certified Fee	\$2.70
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$1.36
	\$7.36

0867
01
READING, MA 01867-9999
Postmark Here
JAN 14 2016
01/14/2017
USPS

Sent To: Raymond Hulser, Chief, PIN DOJ
Street & Apt. No., or PO Box No.: 950 Pennsylvania Ave, NW
City, State, ZIP+4: Washington DC 20530-0601

Exhibit F

Certified Mail, USPS Tracking Website, Jan. 29, 2017.



USPS Tracking®

Still Have Questions?
[Browse our FAQs >](#)

 **Get Easy Tracking Updates >**
Sign up for My USPS.

Tracking Number: 70150920000004564078

Product & Tracking Information

Postal Product:
First-Class Mail®

Features:
Certified Mail™ Return Receipt

See tracking for related item: 9590940220696132379521

Available Actions

[Text Updates](#)

[Email Updates](#)

DATE & TIME	STATUS OF ITEM	LOCATION
January 23, 2017 , 4:38 am	Delivered	WASHINGTON, DC 20530
Your item was delivered at 4:38 am on January 23, 2017 in WASHINGTON, DC 20530.		
January 19, 2017 , 2:11 pm	Business Closed	WASHINGTON, DC 20530
January 19, 2017 , 12:41 pm	Arrived at Unit	WASHINGTON, DC 20018
January 16, 2017 , 12:39 am	In Transit to Destination	
January 15, 2017 , 12:39 am	Departed USPS Origin Facility	BOSTON, MA 02205
January 14, 2017 , 10:17 pm	Arrived at USPS Origin Facility	BOSTON, MA 02205
January 14, 2017 , 1:23 pm	Departed Post Office	READING, MA 01867
January 14, 2017 , 10:02 am	Acceptance	READING, MA 01867

Track Another Package

Tracking (or receipt) number

[Track It](#)

Manage Incoming Packages

Track all your packages from a dashboard. No tracking numbers necessary.



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[Terms of Use](#)
[FOIA](#)
[No FEAR Act EEO Data](#)

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Exhibit G

Certified Mail, USPS Return Receipt, Jan. 26, 2017.

Product Tracking & Reporting



[Home](#) [Search](#) [Reports](#) [Manual Entry](#) [Rates/Commitments](#) [PTR / EDW](#) [USPS Corporate Accounts](#) [Help](#) January 26, 2017

USPS Tracking Intranet Delivery Signature and Address

Tracking Number: 7015 0520 0000 0466 4078

This item was delivered on 01/23/2017 at 04:36:00

[Return to Tracking Number View](#)

Signature	
Address	

Enter up to 35 items separated by commas.

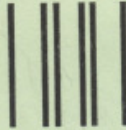
Select Search Type:

Product Tracking & Reporting, All Rights Reserved
Version: 11.0.0.0.17

Exhibit H

Certified Mail, Recipient Return Receipt, Jan. 28, 2017.

USPS TRACKING #



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 2069 6132 3795 21

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box •

Walter Tuve
836 Main St.
Reading, MA 01867-1713



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Royward Hulbert
Chief, PIN, DOT
950 Pennsylvania Ave, NW
Washington, DC 20530-0001



9590 9402 2069 6132 3795 21

2. Article Number (Transfer from service label)

7015 0920 0000 0456 4078

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Emily Lane

Agent

Addressee

B. Received by (Printed Name)

JAN 23 2017

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery