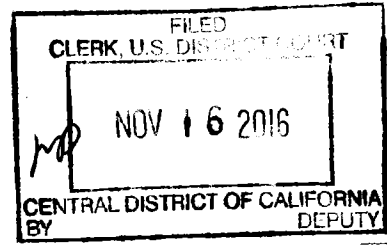


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6 Writ of Mandamus – PAGES 1 OF 59  
7 CENTRAL DISTRICT OF CALIFORNIA,  
8 WESTERN DIVISION

9  
10  
11 UNITED STATES DISTRICT COURT  
12 CENTRAL DISTRICT OF CALIFORNIA  
13 WESTERN DIVISION

14 Travis Middleton, et al.,  
15 Plaintiff(s), Applicant  
16 vs.

17 Richard Pan, et al.  
18 Defendant(s)

19 Defendants,  
20  
21  
22  
23

24 District Court Judge Steven V. Wilson  
25 & Magistrate Judge Alicia G.  
26 Rosenberg, Nominal Respondents  
27  
28

) VERIFIED PETITION FOR WRIT OF  
) MANDAMAS PURSUANT TO 28  
) U.S.C. Section 1361, UCC 1-103.6  
)  
) 18 U.S.C. § 241 & 242  
)  
) This Application/WRIT OF MANDAMUS is  
) filed under the American Free Flag of peace of  
) the united states of America. No jurisdiction  
) under any American flags of war will be  
) accepted in this Case Incorporation  
)  
)  
)  
) Incorporated Case No. 2:16-cv-05224-  
) SVW-AGR  
) Magistrate Judge: Hon. Alicia G.  
) Rosenberg  
) Ctrm: B – Eighth Floor  
)  
)  
)

1 TO DEFENDANTS COUNSEL AND ALL PARTIES AT INTERST:  
2 THIS VERIFIED PETITION FOR WRIT OF MANDAMAS PURSUANT TO 28  
3 U.S.C. Section 1361, UCC 1-103.6 filed in this Case Incorporated is consistent  
4 with F.R.C.P. 26(e). "NEWLY DISCOVERED EVIDENCE" IN RE; assigned  
5 case No. 2:16-cv-05224-SVW-AGR, filed in the Western Division of the Central  
6 District of California, United States District Court.

7 YOU HAVE 20 DAYS TO RESPOND OR YOU MAY BE FOUND IN  
8 DEFAULT IN THE NEWLY DISCOVERED EVIDENCE" IN RE; assigned case  
9 No. 2:16-cv-05224-SVW-AGR, filed in the Western Division of the Central  
10 District of California, United States District Court MATTER. THIS IS A  
11 COMMERCIAL AFFIDAVIT AND MUST BE RESPONDED TO ON A POINT  
12 BY POINT BASIS.  
13

14 -----  
15 I, Travis Middleton and "Plaintiffs", hereinafter Parties Injured, being duly  
16 sworn according to law, having first-hand knowledge of the facts herein, and being  
17 competent to testify, do affirm that the facts herein are stated by the Parties  
18 Injured, and are true, correct and complete, stated under the penalties of perjury  
19 pursuant to the laws of the United States of America.

20 1). I know all men by these presents, Travis Middleton and "Plaintiffs", brings this  
21 WRIT OF MANDAMUS, for the people of the united States of America, under the  
22 American Flag of peace, without an attorney, ex rel. and states:

23 2). Ex rel.: for the people of the united states; "...But it is the manner of  
24 enforcement which gives Title 42 U.S.C. 1983 its unique importance, for the  
25 enforcement is placed in the hands of the people." Each citizen, "acts as a private  
26 attorney general who takes on the mantle of the sovereign, guarding for all of us  
27 the individual liberties enunciated in the constitution." Section 1983 represents a  
28 balancing feature in our government structure whereby individual citizens are  
encouraged to police those who are charged with policing us all. Thus, it is of

1 special importance that suits brought under this statute be resolved by a  
2 determination of truth.” Wood v. Breir, 54 F.R.D. 7, (1972).

3 3). Definition: “Case Incorporated”, the formation of a legal body, with the quality  
4 of perpetual existence and succession. (2). Consisting of an association of  
5 numerous individuals. (3). Matters relating to the common purpose of the  
6 association, within the scope of the powers and authorities conferred upon such  
7 bodies with the quality of perpetual existence and successions. Ref. Black’s Law  
8 Dictionary 67th, Pg. 690. “Case Incorporation” will establish the legal bounds of  
9 the members of this lawful assembly to solve a specific “Case Number” and the  
10 issues in motion.

11 4). This Incorporated Case is defined to be a Civil “R.I.C.O.” 18 U.S.C. Sec. 1961,  
12 1962(a)(b)(c), 42 U.S.C. Sec. 1983, 1986, invoking a WRIT OF MANDAMUS,  
13 Pursuant to 28 U.S.C. Sec. 1361, The Common Law & U.C.C. 1-103.6 giving rise  
14 to F.R.C.P. 19 and 12(b)(7) failure to join parties, 12(b)(6) Fails to state a claim  
15 upon which relief can be granted, and Rule 56 granting summary judgment in  
16 favor of Plaintiffs and Travis Middleton as to this Mandamus dated November 13,  
17 2016 with certified mail number 70153010000056157832 assigned to case No.  
18 2:16-cv-05224-SVW-AGR as described above.

19 5). The Parties injured herein brings to this Incorporated Case, a WRIT OF  
20 MANDAMUS for invoking a Federal Grand Jury Investigation and Indictment of  
21 ALL named Defendants in this case under 18 U.S.C. § 4, - Misprison of Felony, 18  
22 U.S.C. §241 & 242, 18 U.S.C. §1962(a)(b)(c), 18 U.S.C. §1961, 18 U.S.C. § 1503-  
23 Obstruction of Justice, 18 U.S.C. 1951- Extortion of Liberty Under Color of  
24 Official Right 42 U.S.C. §1983 & UCC 1.103.6, and common law. A petition for  
25 writ of mandamus would be an appropriate process by which a petitioner might ask  
26 this court to compel actions by court officials. However, this court has mandamus  
27 authority over federal officials only. Under 28 U.S.C. § 1651, a United States  
28 District Court has original jurisdiction of any action in the nature of mandamus to

1 compel “an officer or employee of the United States or any agency thereof to  
2 perform a duty owed to the plaintiffs.” That duty in this case is for the judicial  
3 officer, the Magistrate Judge to Notice the Office of the U.S. Attorney of crimes  
4 committed by Defendants under 18 U.S.C. Sec. 4. The Magistrate Judge and sitting  
5 Judge are both federal officials and are both bound by that duty. Any dispositive  
6 motions are frauds upon the court, and or will be considered an act of conspiracy to  
7 the crimes and violations defined in this Case Incorporated for WRIT OF  
8 MANDAMUS.

9 Hereinafter: F.R.C.P. = Federal Rules of Civil Procedure.

10 U.S.C.A. = United States Code Annotated.

11 U.S.C.S. = United States Code Service.

12 F.R.D. = Federal Rules Decision.

13 U.C.C. = Uniform Commercial Code

14 6). The judge and attorney(s) has taken an Oath and Affirmation to support and  
15 defend that Constitution of the United States of America and the Constitution of  
16 the STATE OF CALIFORNIA.

17 7). All officers should take the oath required by the constitution, whether the law  
18 under which they hold office prescribe this duty or not. The injunctions of the  
19 Constitution in this respect are as obligatory as those of a statute could be.

20 8). The injured parties herein accuses: the Attorneys in this action, pursuant to Title  
21 42 U.S.C.A. Section 1986, Title 18 USC Section 1961(1) - 1503 (relating to  
22 obstruction of justice), section 1951 (relating to interference with commerce,  
23 robbery or extortion), section 1952 (relating to racketeering), having superior  
24 knowledge of the law, having taken an Oath and Affirmation to support and defend  
25 the Constitution of the United States and of the STATE OF CALIFORNIA, have  
26 approved and obstructed justice by the filing of Motions to Dismiss or Strike  
27 Injured Parties’ petition with respect to the assigned case No. 2:16-cv-05224-  
28 SVW-AGR as described above, in violation of the Constitution of the United

1 States of America, Bill of Rights, Articles I & XIV, due process and equal  
2 protection of the law, and Article V, due process of law.

3 9). The injured parties herein accuses: the attorneys, of committed crimes,  
4 Falsification, and Perjury as to their oath and Affirmation, Title 18 U.S.C.A. 1621,  
5 in a court proceeding, in Case No. 2:16-cv-05224-SVW-AGR, causing violations  
6 of the Constitution of the United States of America.

7 10). The dispositive motions, "Motions to Dismiss", Docket No's. 103 and 105, on  
8 the record of this case Incorporated No. 2:16-cv-05224-SVW-AGR as described  
9 herein above within this complaint give rise to F.R.C.P. 19 and 12(b)(7) failure to  
10 join parties, the actual real party Defendants have not yet appeared; F.R.C.P.  
11 12(b)(6), fails to state a claim upon which relief can be granted and Rule 56  
12 granting summary judgment in favor of "Plaintiffs" and Travis Middleton as to the  
13 Mandamus and assigned Incorporated case No. 2:16-cv-05224-SVW-AGR as  
14 described above.

15 11). The Injured Parties herein accuses: the Attorneys of violations of 18 U.S.C.A.  
16 Sec. 72, Extortion of Rights, 18 U.S.C.A., 18 U.S.C.A. Sec. 241, Criminal  
17 Conspiracy, 18 U.S.C.A. Sec. 1621, Perjury as to their Oaths and Affirmation.

18 12). The Attorneys caused the Injured Parties herein damages actionable for  
19 monetary relief, pursuant to 42 U.S.C.A. Sec. 1986, 18 U.S.C. Sec. 1964.

20 **FACTS AND FINDINGS OF LAW**

21 13). /////

22 14). /////

23 15). United States Constitution Article VI Section 2 provides: This Constitution,  
24 and the laws of the United States which shall be made in pursuance thereof; and all  
25 treaties made, or which shall be made, under the authority of the United States,  
26 shall be the supreme law of the land; and the judges in every state shall be bound  
27 thereby, anything in the Constitution or laws of any State to the contrary  
28 notwithstanding. See also **Leviticus 26:25**- "And I will bring a sword upon you,

1 that shall avenge the quarrel of my covenant: and when ye are gathered together  
2 within your cities, I will send the pestilence among you; and ye shall be delivered  
3 into the hand of the enemy”; and, **Leviticus 19:12-** “And ye shall not swear by my  
4 name falsely, neither shalt thou profane the name of thy GOD: I am the LORD”.

5 And, **Leviticus 19:15-** “Ye shall do no unrighteousness in judgment: thou shalt not  
6 respect the person of the poor, nor honour the person of the mighty: but in  
7 righteousness shalt thou judge thy neighbor”. And, **Deuteronomy 1-16, 17-** “And I  
8 charged your judges at that time, saying, hear the causes between your brethren,  
9 and judge righteously between every man and his brother, and the stranger that is  
10 with him. (17) Ye shall not respect persons in judgment; but ye shall hear the small  
11 as well as the great; ye shall not be afraid of the face of man; for the judgment is  
12 God's: and the cause that is too hard for you, bring it unto me, and I will hear it”.

13 And, 28 U.S.C. 453- Each justice or judge of the United States shall take the  
14 following oath or affirmation before performing the duties of his office: “I, \_\_\_\_  
15 \_\_\_\_, do solemnly swear (or affirm) that I will administer justice without respect to  
16 persons, and do equal right to the poor and to the rich, and that I will faithfully and  
17 impartially discharge and perform all the duties incumbent upon me as \_\_\_\_ under  
18 the Constitution and laws of the United States. So help me God.”

19 The Senators and Representatives before mentioned, and the members of the  
20 several state legislatures, and all executive and judicial officers, both of the United  
21 States and of the several states, shall be bound by oath or affirmation, to support  
22 this Constitution; but no religious test shall ever be required as a qualification to  
23 any office or public trust under the United States.

24 16). United States Constitution, Article 1, Section 10, in pertinent part...No State  
25 shall...pass any Law impairing the Obligation of Contracts.

26 17). 1st Amendment: Freedom of speech and press, and to petition for a redress of  
27 grievances.

1 18). 5th Amendment: No citizen shall be deprived of life, liberty, or property  
2 without due process of law.

3 19). 7th Amendment: In suits of common law, where the value in controversy shall  
4 exceed twenty dollars, the right to trial by jury shall be preserved, and no fact tried  
5 except by jury.

6 20). 9th Amendment: The enumeration in the Constitution, of certain rights, shall  
7 not be construed to deny or disparage others retained by the people.

8 21). 14th Amendment: No state shall make or enforce any law which shall abridge  
9 the privileges or immunities of citizens of the U.S., nor shall any state deprive any  
10 citizen of life, liberty, or property without due process of the law; nor to any citizen  
11 the equal protection of the law.

12 22). F.R.C.P. Rule 4. Process, (a) Summons, (b) Form, (c) Service, (d) Summons  
13 and Complaint, (g) Return Proof, (h) Amendments, (j) Time.

14 23). F.R.C.P. Rule 5 Service, (a) Required (d) Filing certificate.

15 24). F.R.C.P. Rule 6 Time, (a) Computation (d) Motions and Affidavits.

16 25). F.R.C.P. Rule 7 Pleadings, (a) Pleadings (b) Motions.

17 26). F.R.C.P. Rule 8 Rules of Pleadings, (a) Claim for Relief (b) Defense form of  
18 Denials (c) Affirmative Defense (d) Failure to deny (e) Pleading concise.

19 27). F.R.C.P. Rule 9 Pleading special (b) Fraud (e) Judgments (f) Time and place  
20 (g) Special damage.

21 28). F.R.C.P. Rule 10 Form of Pleadings (a) Captions (b) Paragraphs.

22 29). F.R.C.P. Rule 11 Signing of Pleadings, Sanctions.

23 30). F.R.C.P. Rule 12 (a) Time of presented (b) How presented (c) Motion,  
24 Judgment on Pleadings (f) Motion to Strike (h) Waiver (Subject Matter).

25 31). F.R.C.P. Rule 15 Amended and Supplemental Pleadings a.b.c.d.

26 F.R.C.P. Rule 16, (f) Sanctions (No contract, no fees).

27 F.R.C.P. Rule 18, and 19 Joinder.

28 F.R.C.P. Rule 24, Title 28, U.S.C. 2403 – Challenging Constitutionality.



1 F.R.C.P. Rule 38, Trial by Jury.

2 F.R.C.P. Rule 41, Dismissal of Action Voluntarily.

3 F.R.C.P. Rule 49, Issues sent to Jury by Demand.

4 F.R.C.P. Rule 50, New Trial.

5 F.R.C.P. Rule 54, Demand for Judgment.

6 F.R.C.P. Rule 55, Default.

7 F.R.C.P. Rule 56, Summary Judgment.

8 32). Notice: Title 18 U.S.C. Sec. 241. If two or more citizens conspire to injure,  
9 oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any  
10 right or privilege secured to him by the Constitution or laws of the United States,  
11 or because of his having so exercised the same; or

12 If two or more citizens go in disguise on the highway, or on the premises  
13 of another with intent to prevent or hinder his free exercise or enjoyment of any  
14 right or privilege so secured-

15 They shall be fined not more than \$10,000 or imprisoned not more than  
16 ten years, or both;

17 33). Notice: Title 18 U.S.C. Sec. 242. Any Citizen, who under color of law, statute,  
18 ordinance, regulation, or custom, willfully subjects any inhabitant of any State  
19 Territory, or District to the deprivation of any rights, privileges, or immunities  
20 secured or protected by the Constitution or laws of the United States, or to different  
21 punishments, pains or penalties, on account of such inhabitant being an alien, or by  
22 reason of his color, or race, than are prescribed for the punishment of citizens, shall  
23 be fined not more than \$1,000 or imprisoned not more than one year or both;

24 34). Notice: Title 28 U.S.C. 242 provides in pertinent part; Any Citizen who, under  
25 color of law, statute, ordinance, regulation, or custom, willfully subjects any  
26 inhabitant of any state, territory, or district to the deprivation of any rights,  
27 privileges, or immunities secured or protected by the Constitution or laws of the  
28



1 United States...shall be fined not more than \$1,000 or imprisoned not more than  
2 one year or both.

3 35). "Joining", was never completed between the Injured parties herein, and the  
4 Named Defendants, as described herein above within this complaint give rise to  
5 F.R.C.P. 19 and 12(b)(7) failure to join parties, F.R.C.P. 12(b)(6), fails to state a  
6 claim upon which relief can be granted and Rule 56 granting summary judgment in  
7 favor of "Plaintiffs" and Plaintiff, Travis Middleton.

8 36). Notice: The law states: Title 18 U.S.C.A. 1621, note 554 2d a: State pays all  
9 fees when judge and attorneys in concert violate oath of office and "perjury of  
10 oath"; Citizens cannot be made to pay fees to have their Constitutional rights  
11 violated. F.R.C.P. Rule 9.

12 37). Notice: The Injured Parties herein accuses: the Attorneys in this action,  
13 pursuant to Title 42 U.S.C.A. Section 1986, Title 18 USC Section 1961(1) - 1503  
14 (relating to obstruction of justice), section 1951 (relating to interference with  
15 commerce, robbery or extortion), section 1952 (relating to racketeering).

16 38). With reasonable expectations the Injured Parties herein believes that the  
17 findings of fact presented and filed herein, of the United States Constitutional laws  
18 and civil rights issues, including violations of the United States Constitution 14th  
19 Amendment, show the Attorneys, did "perjure their oaths".

20 39). Notice to Judge: With research, no cases, and no rules were discovered, or  
21 previously prosecuted or written for the phrase, "Perjury of Oath of Office". The  
22 "Oath of Office", is given first and before entering office. The Oath is incorporated  
23 after the "Oath and Affirmation" is taken and signed. The term of an attorney's  
24 "oath", to support the Constitution never expires until they "Terminate Practice".  
25 All judges are attorneys under "oath". Judges add affirmation to that oath but both  
26 positions swear to support the united States Constitution at all times and when  
27 rights are violated then "Perjury of Oath" and "Perjury" are relevant and become  
28

1 violations by the facts of definition. F.R.C.P. Rule 9(b), 12(d), the 14th  
2 Amendment, Title 42 U.S.C. 1983 note 337; Rucker v. Martin, Note 349.  
3 40). The Injured Parties herein accuses the Attorneys of: “Perjury of Oath of  
4 Office”, Perjury; Inforjudgemental law, the willful assertion of as to a matter of  
5 fact, opinion, belief, or knowledge, made by a witness in a judicial proceeding as  
6 part of his or her evidence, either upon oath or in any form allowed by law to be  
7 substituted for an oath, whether such evidence is given in open court, or in an  
8 affidavit, or otherwise, such assertion being material to the issue or point of inquiry  
9 and known to such witness to be false. Perjury is a crime committed when a lawful  
10 oath is administered, in some judicial proceeding, to a citizen who swears willfully,  
11 absolutely, and falsely, in matters material to the issue or point in question.  
12 Reference. Gatewood v State, 15 MD. App. 314, 290 A.2d 551, 553; F.R.C.P. Rule  
13 9(b), 12(d)1,2,7; Title 42 U.S.C. 1986, 1985, 1983 note 349, 14th Amendment U.S.  
14 Constitution.

15 41). The Parties Inured herein is accusing the Attorneys of: “Perjury of Oath of  
16 Office”, “Malice”, in law is not necessarily personal hate or ill will, but is the state  
17 of mind which is reckless of law and of the legal rights of the citizens. Reference.  
18 Chrisman v. Terminal R. Association of St. Louis, 237 Mo.App. 157 S.W. 2d 230,  
19 235. F.R.C.P. 9(b) and Rule 12(d).

20 42). The Parties Injured herein is accusing the Attorneys with perjury to proceed  
21 by fraud; perjury of due process, 14th and 5th Amendment. Further references  
22 Title 18 U.S.C.A. 1621; a citizen is guilty of perjury if in any official proceeding  
23 he or she makes a false statement or swears or affirms the truth of a statement  
24 previously made, when the statement is material and he or she does not believe it  
25 to be true. Reference. Model Penal Code section 241.1, F.R.C.P. 9(b) and Rule  
26 12(d).

27 43). The Injured Parties herein accuses Attorneys of: “Perjury of Oath”;  
28 “Constitutional Tort”, Title 42 U.S.C.A. 1983: Every citizen who under color of

1 any statute, ordinance, regulation, custom or usage, of any state or territory,  
2 subjects, or causes to be subjected, any citizen of the United States or any other  
3 citizen within the jurisdiction thereof to the deprivation of any rights, privileges or  
4 immunities secured by the United States Constitution and laws shall be liable to the  
5 party injured in an action at law, suit in equity or other proper proceeding for  
6 redress. F.R.C.P. 9(b), Rule 12(d), Title 42 U.S.C.A. 1986 of the wrongs  
7 committed, Title 42 U.S.C.A. 1985 the conspiracy with high standards, to “fraud”  
8 the Party Injured herein, and 42 U.S.C.A. 1983 for the injury of Constitutional  
9 Rights 4th, 7th, 14th Amendment Equal Protection of the law, and 5th due process  
10 of law.

11 44). Notice: Title 42 U.S.C.A. 1986 “Action for neglect to prevent”, Every citizen  
12 who having knowledge that any of the wrongs conspired to be done, and  
13 mentioned in section Title 42 U.S.C. 1985 of this title, are about to be committed,  
14 and having power to prevent or aid in preventing the commission of the same,  
15 neglects or refuses to do so, if such wrongful act be committed, shall be liable to  
16 the party injured, or citizens legal representative, for all damages caused by such  
17 wrongful act, which such citizen by reasonable diligence could have prevented;  
18 and such damages may be recovered in an action on the case; and any number of  
19 citizens guilty of such wrongful neglect or refusal may be joined as a party in  
20 action.

21 45). The Injured Parties herein accuses Attorneys of “Perjury of Oath of Office”.  
22 Tort. A privilege or civil wrong or injury for which the court will provide a remedy  
23 imposed by general law or otherwise upon all citizens occupying the relation to  
24 each other which is involved in a given transaction. Reference. Coleman v.  
25 California yearly meeting of Friends Church, 27 Cal. App. 2d. 579, 81 P. 2d 469,  
26 470, Title 42 U.S.C.A. 1983 note 319, 333, 337, 349, 350, 351, and 352.

27 46). The Injured Parties herein accuses Attorneys of “Perjury of Oath” and  
28 Falsification, by fraud and deception, fails to correct a false impression which the

1 deceiver previously created or reinforced, or which the deceiver knows to be  
2 influencing another to whom the citizen stands in a “fiduciary” or confidential  
3 relationship. Reference. F.R.C.P. 9(b) and 12(d), Title 42 U.S.C.A. 1986, 1985.

4 The Parties Injured herein are witnesses with first-hand knowledge accusing Judge  
5 and Attorneys as witness of fraud and for their neglect to stop the wrongs, for  
6 equal protection of the law and due process. However, the fraud continues as no  
7 citizen has been prosecuted to date. The legal system is protecting its own,  
8 operating under “Policy and Custom”, Title 42 U.S.C.A. 1983 Note 319, 337, to  
9 violate rights in denying 14th and 5th Amendments due process.

10 47). “Fiduciary” – A citizen having duty, created by undertaking, to act primarily  
11 for another’s benefit in matters connected with such undertaking. Ref. Black’s Law  
12 dictionary. 563 (High standards of Government).

13 48). The Injured Parties herein accuses Judge and Attorneys of; “Extortion”,  
14 perjury of oath, (commerce) Title 42 U.S.C.A 1985 (2) Ref. Obstructing Justice:  
15 intimidating party, witness, (2) if two or more citizens in any state or territory  
16 conspire to deter, by force, intimidation, or threat, any party or witness in any court  
17 of the United States from “attending such court or from testifying to any matter  
18 pending” therein, freely, fully, and truthfully, or to injure such party or witness in  
19 his body or property on account of his having so attended or testified, or to  
20 influence the verdict, presentment, or indictment of any kind of grand or petit jury  
21 or property on account of any verdict, presentment, or indictment lawfully assented  
22 to by him, or of his being or having been such juror, or if two of more citizens  
23 conspire for the purpose of impeding, hindering, obstructing, or defeating, in any  
24 matter, the due course of justice in any state or territory, with intent to deny to any  
25 citizen the equal protection of the law, or to injure him or his property for lawfully  
26 enforcing, or attempting to enforce, the right of any citizen, or class of citizens, to  
27 the equal protection of the law.  
28

1 49). Extortion: The obtaining of property from another induced by wrongful use of  
2 actual or threatened force, or fear, or under color of official right. Ref. Title 18  
3 U.S.C.A. Sec. 871 et seq., 1951.

4 50). Notice: Title 42 U.S.C.A. 1985 (3) Depriving citizen of rights or privileges; if  
5 two or more citizens in any state or territory conspire to go in disguise, for the  
6 purpose of depriving, either directly or indirectly, any citizen or class of citizens of  
7 the equal protection of the laws, or of equal privileges and immunities under the  
8 laws; or for the purpose of preventing or hindering the constituted authorities of  
9 any state or territory from giving or securing to all citizens within such state or  
10 territory the equal protection of the laws; or if two or more citizens conspire to  
11 prevent by force , intimidation, or threat, any citizen who is lawfully who is  
12 lawfully entitled to vote, form giving his support or advocacy; in any case of  
13 conspiracy set forth in this section, if one or more citizens engage therein do, or  
14 cause to be done, any act in furtherance of the object of such conspiracy, whereby  
15 another is injured in his body or property, or deprived of having and exercising any  
16 right or privilege of a citizen of the United States, the party so injured or deprived  
17 may have an action for the recovery of damages occasioned by such injury or  
18 deprivation, against any one or more of the conspirators. F.R.C.P. R. 9(b) Fraud,  
19 Rule 12(b).

20 51). The Parties Injured herein is accusing Attorneys of Perjury of Oath of Office.  
21 “Falsification”;

22 No citizen shall knowingly make a false statement, or knowingly swear or  
23 affirm the truth of a false statement previously made, when any of the following  
24 applies:

- 25 - The statement is made in any official proceeding.  
26 -The statement is made with the purpose to mislead a public official in  
27 performing a judicial function.  
28

1 -The statement is in writing on, or in connection with a report or return which is  
2 required or authorized by law.

3 52). Notice: Title 42 U.S.C.A. 1985 Pg. 36-37, Note 69: Damages in claim for  
4 violation of U.S. constitutionally guaranteed rights damages are recovered, normal  
5 damages may be presumed, and nominal damages may in appropriate  
6 circumstances support award of exemplary damages, Tracy V. Robbins, D.C.S.C.  
7 1966, 40 Fed. 108 Appeal Dismissed 373 F. 3D 13.

8 53). Notice: Title 42 U.S.C.A. 1983 P77 No. 39: In order to establish personal  
9 liability part of government official in federal civil rights law action, under Title 42  
10 U.S.C. 1983, it is enough to show that official acting under color of law caused  
11 deprivation of Constitutional Right in contrast. Government entity is liable in  
12 official capacity suit under Title 42 U.S.C. only when entity is moving force  
13 behind deprivation. Thus requiring entity policy or custom to have played a part in  
14 violation of Federal law. Ref. Kentucky V. Graham 1985 475, US 159 85 L.Ed. 2d.  
15 114, 105 S. Ct. 3099. See attached Criminal Affidavit, **Exhibit "1"**.

16 54). Bar: The whole body of attorneys and counselors, or the members of the legal  
17 profession, collectively, who are figuratively called the "bar", from the place  
18 which they usually occupy in court.

19 WHEREFORE:

20 55). The Parties Injured herein DEMAND that this Court issue a Mandamus  
21 ORDER invoking a Federal Grand Jury Investigation; and, an investigation by the  
22 U.S. Attorney's Office pursuant to 28 U.S.C. Sec. 1361.

23 56). This petition asks the Court to obey the dejure statutory law of the united  
24 States of America, UCC 1-103.6 and the common law.

25 57). The Constitution of the State of California of 1849 was the foundation upon  
26 which all statute law was to be measured. On April 15, 1850, Stats 1850, ch. 95,  
27 "An Act *adopting the Common Law*" was passed.

28  
*"The Common Law of England, so far as it*

1                                    *is not repugnant to or inconsistent with the*  
2                                    *Constitution of the United States, or the*  
3                                    *Constitution or laws of the State of California,*  
4                                    *shall be the rule of decision in all the Courts of*  
   *this State.”*

5 58). The “supremacy clause” of the Federal Constitution is stronger than state  
6 public policy and compels a state to enforce federal statutes regardless of its  
7 “penal” character or of other objections of local policy (*Testa v. Katt 1947 330*  
8 *U.S. 386, 67 S. Ct. 810, 91 L.Ed. 967*).

9                                    **“For the policy of the federal Act is the prevailing policy in every state”.**

10  
11 59). Jurisdiction over this Petition is hereby invoked pursuant to the All Writs Act,  
12 28 U.S.C. Section 1651(b). This Court has authority to issue a Writ of Mandamus  
13 pursuant to 28 U.S.C. Section 1651(b), UCC 1-103.6 and the common law which  
14 provides:

15 (b) An alternative Writ or Rule *Nisi* may be issued by a justice or judge of a court  
16 which has jurisdiction.

17 60). **Rule Nisi:** A rule which become imperative and final *unless* cause can be  
18 shown against it. This rule commands the party to show cause why he should not  
19 be compelled to do the act required, or why the object of the rule should not be  
20 enforced. *Black’s Law Dictionary 4<sup>th</sup> edition.*

21 61). Venue is proper against respondent as invoked under the American free flag of  
22 peace.

23  
24                                    **PRAYER FOR RELIEF**

25 WHEREFORE, Petitioners pray that this Court:

26 Issue a writ of mandamus or Rule Nisi directing respondent District Court  
27 Magistrate Judge or the Sitting judge to immediately invoking a Federal Grand  
28



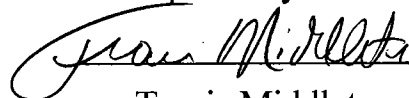
1 Jury Investigation; and, an investigation by the U.S. Attorney's Office pursuant to  
2 28 U.S.C. Sec. 1361, UCC 1.103.6 and the Common Law.

3  
4  
5  
6 **VERIFICATION**

7 I/We, Travis Middleton, Eric Durak, Jade Baxter, Julianna Pearce, Julianne  
8 Whitney, Candyce Estave, Denise Michele Derusha, Melissa Christou, Andrea  
9 Lewis, Rachil Vincent, Jessica Haas, Paige Murphy, Lori Strantz, Anwanur  
10 Gielow, Lisa Ostendorf, Alice Tropper, Bret Nielsen, Brent Haas, Muriel  
11 Rosensweet, Don Demanlevesde, Marina Read, Parties Injured, the Petitioners,  
12 have read the foregoing Verified Petition for Writ of Mandamus or Rule Nisi and  
13 know its contents which I/We believe to be true. I/We declare under penalty of  
14 perjury under the laws of California and these united States of America that the  
15 foregoing is true and correct to the best of our belief and knowledge.

16  
17 Executed on November 14, 2016

Respectfully Submitted,

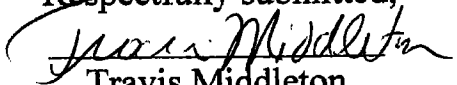



Travis Middleton


27 West Anapamu St. #153  
Santa Barbara, California 93101

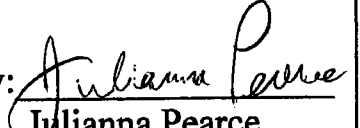
Dated this November 23, 2016


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Respectfully submitted,  
  
Travis Middleton  
Plaintiff, Pro Se


By:   
Eric Durak  
Plaintiff, Pro Se


By:   
Jade Baxter  
Plaintiff, Pro Se

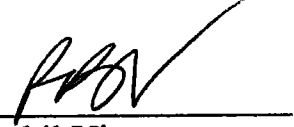
By:   
Julianna Pearce  
Plaintiff, Pro Se

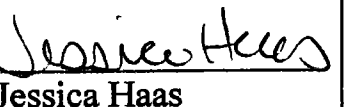
By:   
Candyce Estave  
Plaintiff, Pro Se

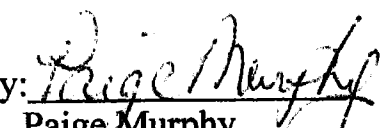
By:   
Denise Michele Derusha  
Plaintiff, Pro Se


By:   
Melissa Christou  
Plaintiff, Pro Se

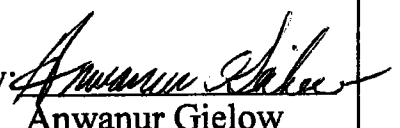
By:   
Andrea Lewis  
Plaintiff, Pro Se

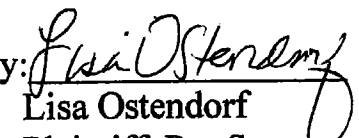
By:   
Rachil Vincent  
Plaintiff, Pro Se

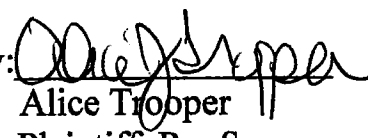
By:   
Jessica Haas  
Plaintiff, Pro Se

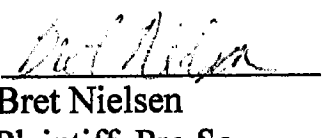
By:   
Paige Murphy  
Plaintiff, Pro Se

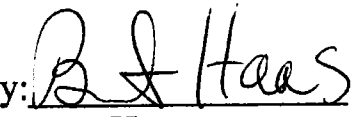
By:   
Lori Strantz  
Plaintiff, Pro Se

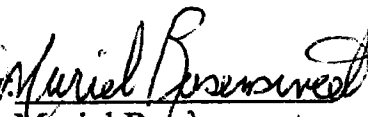
By:   
Anwanur Gielow  
Plaintiff, Pro Se

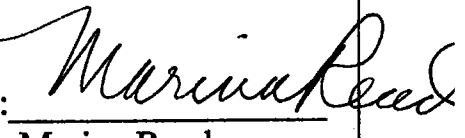
By:   
Lisa Ostendorf  
Plaintiff, Pro Se

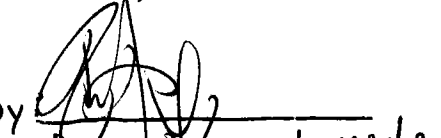
By:   
Alice Trooper  
Plaintiff, Pro Se

By:   
Bret Nielsen  
Plaintiff, Pro Se

By:   
Brent Haas  
Plaintiff, Pro se

By:   
Muriel Rosensweet  
Plaintiff, Pro Se

By:   
Marina Read  
Plaintiff, Pro Se

By:   
Don Deman Levesde  
plaintiff pro se

# CALIFORNIA JURAT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }

COUNTY OF Santa Barbara }

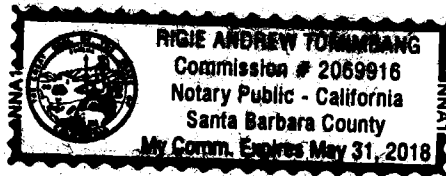
Subscribed and sworn to (or affirmed) before me on this 12 day of November, 2016  
Date Month Year

by Travis Middleton

*Name of Signers*

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature: [Handwritten Signature]  
*Signature of Notary Public*



*Seal*  
*Place Notary Seal Above*

### OPTIONAL

*Though this section is optional, completing this information can deter alteration of the document or fraudulent attachment of this form to an unintended document.*

#### Description of Attached Document

Title or Type of Document: Verified petition for Writ of Mandamus pursuant to 28 U.S.C. Section 1361, U.C. 1703.6

Document Date: \_\_\_\_\_

Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

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**EXHIBIT “1”**  
(Plaintiff Middleton’s Criminal Affidavit)

Travis Middleton  
27 West Anapamu Street No. 153  
Santa Barbara, California 93101

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

Travis Middleton, et al.,  
Plaintiff(s),

vs.

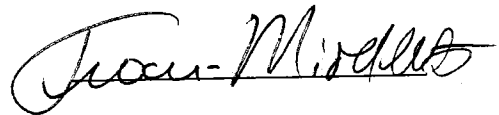
Richard Pan, et al.  
Defendant(s)

) Incorporated  
) Case No.: 2:16-cv-05224-SVW-AGR  
)  
) NOTICE TO THE COURT  
)  
) SUBMISSION OF CRIMINAL  
) AFFIDAVIT BY PLAINTIFF Travis  
) Middleton  
)  
) 28 U.S.C. 1361

COMES NOW:

Plaintiff, Travis Middleton, in the above encaptioned matter, to notice this honorable court of Plaintiff's criminal affidavit to be lodge on the record of this Incorporated Case.

Dated this September ~~20th~~ 2016



Travis Middleton

Travis Middleton  
27 West Anapamu Street No. 153  
Santa Barbara, California 93101

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

<b>In re:</b>	<b>: Incorporated Case No.:</b>
	<b>: <u>LA CV16-05224-SVW-AGR</u></b>
<b>Travis Middleton, et al.</b>	<b>: 18 U.S.C. § 3332(a) Demand For</b>
	<b>: Grand Jury Indictment;</b>
<b>Vs.</b>	<b>: (Fed. Supp. P 199);</b>
	<b>: 28 U.S.C. 1361</b>
	<b>: 18 U.S.C. § 4</b>
<b>Richard Pan, et al.</b>	<b>: MISPRISON OF FELONY</b>

\_\_\_\_\_/

Pursuant to Federal Rules of Evidence (F.r.e.) 102, 104(b), 201(b)(d)(f), 402, & 406.

*Affidavit of Criminal Report by  
Witness & Victim of Criminal Activity*

State of California                    )  
  )ss:  
County of Santa Barbara            )

I, Travis Middleton your affiant, whose current address is 27 West Anapamu Street No. 153 Santa Barbara, California [93101], states that Affiant is of legal age, competent to testify, has personal first hand knowledge and believes that the truths and facts herein are true, correct, complete, certain, not misleading.

Your affiant has read the California Penal Codes, California Constitution, The United States Constitution & Criminal Statutes 18 U.S.C., specifically **Section[s] 4**, “Misprison of Felony” **18 U.S.C. § 4** provides: Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both.

Additionally, The predicate act of Obstruction of Justice, **18 U.S.C. §1503** provides:

-Whoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States (the State of California is enjoined and incorporated into the United States as an agency and or subsidiary by and through the 14<sup>th</sup> Amendment) , or the due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress.



- Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede..... or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice, shall be punished as provided in subsection (b).

(b) The punishment for an offense under this section is—

(1) In the case of a killing, the punishment provided in sections 1111 and 1112;

*(2) In the case of an attempted killing, or a case in which the offense was committed against a petit juror and in which a class A or B felony was charged, imprisonment for not more than 20 years, a fine under this title, or both; and;*

**18 U.S.C. § 1962(d)) - Conspiracy to Obstruct or Pervert Justice by perjury of Oaths:**

**The California Constitution Article 20 Section 3 provides:**

**Members of the Legislature**, and all public officers and employees, executive, legislative, and judicial, except such inferior officers and employees as may be by law exempted, shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation:

"I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

"And I do further swear (or affirm) that I do not advocate, nor am I a member of any party or organization, political or other-wise, that now advocates the overthrow of the Government of the

United States or of the State of California by force or violence or other unlawful means; that within the five years immediately preceding the taking of this oath (or affirmation) I have not

been a member of any party or organization, political or other-wise, that advocated the overthrow of the Government of the United States or of the State of California by force or violence or other unlawful means except as follows:

\_\_\_\_\_

(If no affiliations, write in the words "No Exceptions") and that during such time as I hold the office of \_\_\_\_\_ I will not advocate nor become (name of office) a member of any party or organization, political or otherwise, that advocates the overthrow of the Government of the United States or of the State of California by force or violence or other unlawful means."

And no other oath, declaration, or test, shall be required as a qualification for any public office or employment. "Public officer and employee" includes every officer and employee of the State, including the University of California, every county, city, city and county, district, and authority, including any department, division, bureau, board, commission, agency, or instrumentality of any of the foregoing.

**Government Code Section 1360 provides:** Unless otherwise provided, before any officer enters on the duties of his office, he shall take and subscribe the oath or affirmation set forth in *Section 3 of Article 20 of the Constitution of California*.

**Government Code Section 1368 provides:** Every person who, while taking and subscribing to the oath or affirmation required by this chapter, states as true any material matter which he or she knows to be false, is guilty of

perjury, and is punishable by imprisonment in the state prison for two, three, or four years.

**Government Code Section 1369 provides:** Every person having taken and subscribed to the oath or affirmation required by this chapter, who while holding office, advocates or becomes a member of any party or organization, political or otherwise, that advocates the overthrow of the government of the United States by force or violence or other unlawful means, is guilty of a felony, and is punishable by imprisonment in the state prison.

Defendants, Richard Pan, Martin Jeffrey “Marty” Block, Gerald A. “Jerry” Hill, Holly Mitchell, Catharine Baker, Christina Garcia, Adrin Nazarian, Jim Wood, Ben Allen, Kevin de Leon, Hannah-Beth Jackson, Jeff Stone, Richard Bloom, Bill Quirk, Lorena Gonzalez, Reginald Jones-Sawyer, Isadore Hall, Mark Leno, Bob Wieckowski, David Chiu, Evan Low, Anthony Rendon, Jim Beall, Mike McGuire, Lois Wolk, Jim Cooper, Kevin McCarthy, Mark Stone, Edmund G. Brown Jr., all have sworn this particular oath to uphold, defend and support the California and United States Constitutions from all enemies, foreign and domestic.

During the house and senate hearings being held at the state capitol, in and around March through May of 2015, the defendants deliberately, with

malice and willful intent did perjure their oaths of office to support and defend the California and United States Constitutions and the Bill of Rights and Amendments 1, 4, 5, 9, and 14 in violation of 18 U.S.C. §1503 and 18 U.S.C. § 1962(d)) - Conspiracy to Obstruct or Pervert Justice.

All the defendant legislatures have superior knowledge and cognizant awareness of the toxic and poisonous ingredients in these inoculations that they call “vaccines” with respect to SB277. These poisons include but are not limited to: Aluminum Hydroxide, Formaldehyde, Aluminum Potassium Sulfate, FD&C Yellow #6 Aluminum Lake Dye, Aluminum Phosphate, Glutaraldehyde, Vero (monkey kidney) cells, Polysorbate 80, and others. Attached as *Appendix “A”* are the Material Safety Data Sheets for some of these poisonous substances.

The Material Safety Data Sheets on these compounds have these warnings: **Aluminum Hydroxide** - Acute Potential Health Effects: May cause mild skin, eye and upper respiratory tract irritation. Ingestion: May cause gastrointestinal tract irritation: May affect bones (osteomalacia), metabolism, blood, behavior (muscle contraction, spasticity, change in motor activity), liver. Personal Protection in Case of a Large Spill: Splash goggles. Full suit. Dust respirator. Boots. Gloves. A self-contained breathing apparatus should be used to avoid inhalation of the product.

Suggested protective clothing might not be sufficient; consult a specialist BEFORE handling this product.

**Formaldehyde - Chronic Effects on Humans:**

CARCINOGENIC EFFECTS: Classified A2 (Suspected for human.) by ACGIH, 2A (Probable for human.) by IARC [Formaldehyde].  
MUTAGENIC EFFECTS: Mutagenic for mammalian somatic cells. [Formaldehyde]. Mutagenic for bacteria and/or yeast. [Formaldehyde]. Mutagenic for mammalian somatic cells. [Methyl alcohol]. Mutagenic for bacteria and/or yeast. [Methyl alcohol]. TERATOGENIC EFFECTS: Classified POSSIBLE for human [Methyl alcohol]. DEVELOPMENTAL TOXICITY: Not available May cause damage to the following organs: kidneys, liver, central nervous system (CNS). Very hazardous in case of ingestion. Hazardous in case of skin contact (irritant, sensitizer, permeator), of eye contact (corrosive), of inhalation (lung corrosive). Slightly hazardous in case of skin contact (corrosive). Acute Potential Health Effects: Skin: Corrosive. Causes skin irritation which may range from mild to severe with possible burns depending on the extent of exposure and concentration of solution. Other symptoms may include brownish discoloration of the skin, urticaria, and pustulovesicffular eruptions. May be absorbed through skin with symptoms paralleling those of ingestion. Eyes: Corrosive. Contact with

liquid causes severe eye irritation and burns. It may cause irreversible eye damage (severe corneal Solutions containing low formaldehyde concentrations may produce transient discomfort and irritation. Inhalation: Causes irritation of the respiratory tract (nose, throat, airways). Symptoms may include dry and sore mouth and throat, thirst, and sleep disturbances, difficulty breathing, shortness of breath, coughing, sneezing, wheezing rhinitis, chest tightness, pulmonary edema, bronchitis, tracheitis, laryngospasm, pneumonia, palpitations. It may also affect metabolism weight loss, metabolic acidosis), behavior/central nervous system (excitement, central nervous system depression, somnolence, convulsions, stupor, aggression, headache, weakness, dizziness, drowsiness, coma), peripheral nervous system, and blood. Ingestion: Harmful if swallowed. May be fatal. Causes gastrointestinal irritation with nausea, vomiting (possibly with blood), diarrhea, severe pain in mouth, throat and stomach, and possible corrosive injury to the gastrointestinal mucosa/ulceration or bleeding from stomach. May also affect the liver (jaundice), urinary system/kidneys (difficulty urinating, albuminuria, hematuria, anuria), blood, endocrine system, respiration (respiratory obstruction, pulmonary edema, bronchiolar obstruction), cardiovascular system (hypotension), metabolism (metabolic acidosis), eyes (retinal changes, visual field changes), and behavior/central



nervous system (symptoms similar to those for inhalation). Contains Methanol which may cause blindness if swallowed. Chronic Potential Health Effects: Skin: Prolonged or repeated exposure may cause contact dermatitis both irritant and allergic. It may also cause skin discoloration. Inhalation: Although there is no clear evidence, prolonged or repeated exposure may induce allergic asthma. Other effects are similar to that of acute exposure. Ingestion: Prolonged or repeated ingestion may cause gastrointestinal tract irritation and ulceration or bleeding from the stomach. Other effects may be similar to that of acute ingestion.

California prop. 65: This product contains the following ingredients for which the State of California has found to cause cancer, birth defects or other reproductive harm, which would require a warning under the statute.

**Aluminum Potassium Sulfate** - Special Remarks on Chronic Effects on Humans: May cause adverse reproductive effects (fetotoxicity) based on animal data. Special Remarks on other Toxic Effects on Humans: Acute Potential Health Effects: Skin: May cause skin irritation particularly on abraded skin. Eyes: Dust may cause eye irritation. Inhalation: Dust may cause irritation of the respiratory tract and mucous membranes. Ingestion: May cause gastrointestinal tract irritation. Symptoms may range from mild abdominal cramping and nausea, to severe vomiting and

hemorrhagic gastroenteritis depending on the concentration and amount ingested. Ingestion may also produce a feeling of dryness and puckering of the mucous membranes of the mouth and throat. May also affect behavior. The toxicological properties of this product have not been fully investigated.

Most all vaccines have one or more, or a combination of several of these poisons being forced on Affiant and or affiant's offspring by the named defendant legislators. See also attached Vaccine Excipient & Media Summary under *Appendix "B"*.

In the documentary film "VAXXED" Produced by Del Bigtree, one of the Centers For Disease Control's (CDC) top scientific researchers, Dr. William Thompson admits that the CDC can no longer be trusted, and that he lied about the MMR study of 2004 linking vaccines to autism. Starting at time frames 1:44 through 2:35 Dr. Thompson makes these statements in a correspondence to Dr. Brian Hooker. *"I've waited a long time to tell my story. And I want to tell it truthfully. I was involved in deceiving millions of taxpayers regarding the potential negative side effects of vaccines. We lied about the scientific findings. The CDC can longer be trusted to do vaccine safety work. Can't be trusted to be transparent. The CDC can't be trusted to police itself. Just a few thoughts."*

- William W. Thompson, PhD, Senior Scientist, U.S. Centers For Disease Control and prevention.

Subsequently, in August of 2014, while working with a whistleblower attorney, Dr. Thompson turns over thousands of documents to Senator Posey of Florida. One of those documents is from Dr. Thompson's 2004 studies on the MMR vaccine and how African American boys were found to be statistically higher at risk for developing Autism.

See attached *Appendix "C"*. **-Events Surrounding the DeStefano et al (2004) MMR-Autism Study-** dated September 9, 2014. In conclusion, Dr. Thompson writes:

*"I believe we intentionally withheld controversial findings from the final draft of the DeStefano et al (2004) Pediatrics paper. We failed to follow the final approved study protocol and we ran detailed in depth RACE analyses from October 2001 through August 2002 attempting to understand why we were finding large vaccine effects for blacks. The fact that we found a strong statistically significant finding among black males does not mean that there was a true association between the MMR vaccine and autism-like features in this subpopulation. This result would have probably have led to designing additional better studies if we had been willing to report the findings in the study and manuscript at the time that we found them. The*

*significant effect of early vaccination with the MMR vaccine might have also been a proxy for the receipt of thimerosal vaccines early in life but we didn't have the appropriate data to be able to code the level of thimerosal exposure from the MADDSP school records. In addition to significant effects for black males, we also found significant effects for "isolated autism cases" and for the threshold of 24 months of age. If we had reported the 24 month effects, our justification for ignoring the 36 month significant effects would not have been supported. In the discussion section of the final published manuscript, we took the position that service seeking was the reason we found a statistically significant effect at 36 months. This was a post-hoc hypothesis regarding the findings after we confirmed one of our primary hypotheses. Because we knew that the threshold for 24 months was also statistically significant, reporting it would have undermined the hypothesis that service seeking was the reason we found an effect at 36 months. (See published paper)".*

–Dr. William Thompson.

The effect of the criminal conspiracy between the Defendant legislators, certain pharmaceutical companies and the Centers for Disease Control (CDC) on the affiant and affiant's descendants with respect to the

implementation of SB277 and similar bills like it amounts to genocide. Neither the government (state of California), its agents, subsidiaries, or anyone acting in or on government's behalf, have the constitutional authority under either the State of California's or the United States constitution to mandate the administration of poisons in any form, under any pseudo government sponsored initiative, upon its citizenry. The named defendants have had full knowledge of the evidence and facts within this affidavit and have chosen to ignore it. Defendants actions constitute violations of 18 U.S.C. § 2383 - Rebellion or insurrection; 18 U.S.C. § 2384 - Seditious conspiracy.

**Sedition:**

*The organized incitement of rebellion or civil disorder against authority or the state. An insurrectionary movement tending towards treason, but wanting an overt act; attempts made by meetings or speeches, or by publications, to disturb the tranquility of the state.*

(Referenced Black's Law Dictionary 6th edition.

See also 18 U.S.C.A. § 2283 et seq. See also *The Smith Act*. 18 U.S.C.A. § 2383 provides in pertinent parts:

*Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof, or*

*gives aid or comfort thereto, shall be fined under this title or imprisoned not more than ten years, or both; and shall be incapable of holding any office under the United States.*

The U.S. Supreme Court has stated that "No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it. *Cooper v. Aaron*, 358 U.S. 1, 78 S.Ct. 1401 (1958).

However, since *Ex parte Young*, 209 U. S. 123 (1908), it has been settled that the Eleventh Amendment provides no shield for a state official confronted by a claim that he had deprived another of a federal right under the color of state law.

*Ex parte Young* teaches that, when a state officer acts under a state law in a manner violative of the Federal Constitution, he "comes into conflict with the superior authority of that Constitution, and he is, in that case, stripped of his official or representative character, and is subjected in his person to the consequences of his individual conduct. The State has no power to impart to him any immunity from responsibility to the supreme authority of the United States."

1. And as such, all named Defendant legislatures, have used the house and senate hearings at the state capitol as a conduit to extort money,

property and liberty from Affiant Travis Middleton and affiant's descendants by theft and constructive fraud "under color of law" to adversely affect interstate and foreign commerce within the meaning of Title 18 U.S.C. section 1951 (relating to interference with commerce, robbery or extortion), section 1952 (relating to racketeering), 18 USC Section 1961(1) - 1503 (relating to obstruction of justice) and 1962(a)(b)(c)(d) (Conspiracy).

2. Prayer for Relief,
3. Affiant request this court order him protective custody; and, a federal investigation from the Department of Justice to thoroughly investigate the crimes as alleged in this affidavit pursuant to 18 U.S.C. § 3332(a).
4. Further affiant saith naught.



Travis Middleton, Victim and Witness

see Attached for Notary

# California All-Purpose Certificate of Acknowledgment

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Santa Barbara

s.s.

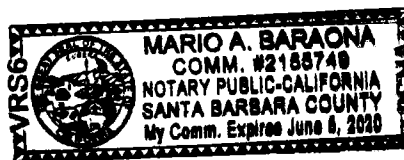
On September 20, 2016 before me, Mario Baraona, Notary Public

personally appeared Travis Middleton

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



[Signature]  
Signature of Notary Public

### OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

### Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of Affidavit of Criminal Report by Witness + Victim containing 19 pages, and dated \_\_\_\_\_

The signer(s) capacity or authority is/are as:

- Individual(s)
- Attorney-in-fact
- Corporate Officer(s)
- Guardian/Conservator
- Partner - Limited/General
- Trustee(s)
- Other: \_\_\_\_\_

representing: \_\_\_\_\_

### Additional Information

#### Method of Signer Identification

Proved to me on the basis of satisfactory evidence:  
 form(s) of identification  credible witness(es)

Notarial event is detailed in notary journal on:

Page # \_\_\_\_\_ Entry # \_\_\_\_\_

Notary contact: \_\_\_\_\_

#### Other

Additional Signer  Signer(s) Thumbprints(s)



CERTIFICATE OF SERVICE

This is to certify that I have on this 20<sup>th</sup> day of September, 2016 placed a true and correct copy of the:

PLAINTIFFS' NOTICE TO THE COURT OF Travis Middleton's  
CRIMINAL AFFIDAVIT Pursuant to 28 U.S.C. §1361 in Incorporated Case  
No. 2:16-cv-05224-SVW-AGR at the below address, or by depositing the  
same in the U.S. Mails;

To: Marine Pogosyan, Clerk to Magistrate Judge Alicia G. Rosenberg,  
United States District Court Central District of California, Western Division,  
312 North Spring Street room G-8 Los Angeles, California 90012.

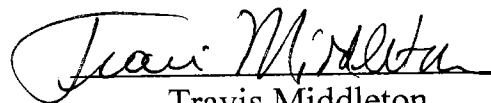
**And to:**

DIANE F. BOYER-VINE (SBN: 124182) Legislative Counsel  
ROBERT A. PRATT (SBN: 137704) Principal Deputy Legislative Counsel  
CARA L. JENKINS (SBN: 271432) Deputy Legislative Counsel Office of Legislative  
Counsel 925 L Street, Suite 700 Sacramento, California 95814 Telephone: (916) 341-  
8245 E-mail: cara.jenkins@lc.ca.gov

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Assembly Member Evan Low, Assembly Member Adrin Nazarian, Assembly Member  
Bill Quirk, Assembly Member Anthony Rendon, Assembly Member Mark Stone,  
Assembly Member Jim Wood, Senator Ben Allen, Senator Jim Beall, Senator Marty  
Block, Senator Kevin de Leon, Senator Robert Hertzberg, Senator Mark Leno, Senator  
Isadore Hall, Senator Jerry Hill, Senator Hannah-Beth Jackson, Senator Mike McGuire,  
Senator Holly Mitchell, Senator Richard Pan, Senator Jeff Stone, Senator Bob  
Wieckowski, Senator Lois Wolk, and Win-Li Wang

I declare under penalty of perjury that the above is true and correct.

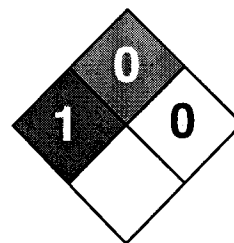


Travis Middleton

27 West Anapamu Street No. 153  
Santa Barbara, California 93101

## APPENDIX “A”

### Material Safety Data Sheets



Health	1
Fire	0
Reactivity	0
Personal Protection	E

## Material Safety Data Sheet Aluminum hydroxide MSDS

### Section 1: Chemical Product and Company Identification

**Product Name:** Aluminum hydroxide

**Catalog Codes:** SLA3004

**CAS#:** 21645-51-2

**RTECS:** BD0940000

**TSCA:** TSCA 8(b) inventory: Aluminum hydroxide

**CI#:** Not available.

**Synonym:** Aluminum Hydroxide Powder Reagent;  
Aluminum Trihydroxide

**Chemical Name:** Aluminum Hydroxide Powder

**Chemical Formula:** Al(OH)<sub>3</sub>

**Contact Information:**

**Sciencelab.com, Inc.**

14025 Smith Rd.

Houston, Texas 77396

US Sales: **1-800-901-7247**

International Sales: **1-281-441-4400**

Order Online: ScienceLab.com

**CHEMTREC (24HR Emergency Telephone), call:**

1-800-424-9300

**International CHEMTREC, call:** 1-703-527-3887

**For non-emergency assistance, call:** 1-281-441-4400

### Section 2: Composition and Information on Ingredients

**Composition:**

Name	CAS #	% by Weight
Aluminum hydroxide	21645-51-2	100

**Toxicological Data on Ingredients:** Not applicable.

### Section 3: Hazards Identification

**Potential Acute Health Effects:** Slightly hazardous in case of skin contact (irritant), of eye contact (irritant), of ingestion, of inhalation.

**Potential Chronic Health Effects:**

CARCINOGENIC EFFECTS: Not available. MUTAGENIC EFFECTS: Not available. TERATOGENIC EFFECTS: Not available. DEVELOPMENTAL TOXICITY: Not available. Repeated or prolonged exposure is not known to aggravate medical condition.

### Section 4: First Aid Measures

**Eye Contact:**

Check for and remove any contact lenses. In case of contact, immediately flush eyes with plenty of water for at least 15 minutes. Get medical attention if irritation occurs.

**Skin Contact:** Wash with soap and water. Cover the irritated skin with an emollient. Get medical attention if irritation develops.

**Serious Skin Contact:** Not available.

**Inhalation:**

If inhaled, remove to fresh air. If not breathing, give artificial respiration. If breathing is difficult, give oxygen. Get medical attention.

**Serious Inhalation:** Not available.

**Ingestion:**

Do NOT induce vomiting unless directed to do so by medical personnel. Never give anything by mouth to an unconscious person. If large quantities of this material are swallowed, call a physician immediately. Loosen tight clothing such as a collar, tie, belt or waistband.

**Serious Ingestion:** Not available.

### Section 5: Fire and Explosion Data

**Flammability of the Product:** Non-flammable.

**Auto-Ignition Temperature:** Not applicable.

**Flash Points:** Not applicable.

**Flammable Limits:** Not applicable.

**Products of Combustion:** Not available.

**Fire Hazards in Presence of Various Substances:** Not applicable.

**Explosion Hazards in Presence of Various Substances:**

Risks of explosion of the product in presence of mechanical impact: Not available. Risks of explosion of the product in presence of static discharge: Not available.

**Fire Fighting Media and Instructions:** Not applicable.

**Special Remarks on Fire Hazards:**

A mixture of aluminum hydroxide and bismuth, coprecipitated and reduced by hydrogen @ 170 to 210 C is spontaneously flammable in air at ambient temperature.

**Special Remarks on Explosion Hazards:** Not available.

### Section 6: Accidental Release Measures

**Small Spill:**

Use appropriate tools to put the spilled solid in a convenient waste disposal container. Finish cleaning by spreading water on the contaminated surface and dispose of according to local and regional authority requirements.

**Large Spill:**

Use a shovel to put the material into a convenient waste disposal container. Finish cleaning by spreading water on the contaminated surface and allow to evacuate through the sanitary system. Be careful that the product is not present at a concentration level above TLV. Check TLV on the MSDS and with local authorities.

### Section 7: Handling and Storage

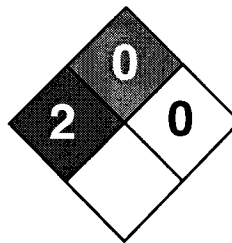
**Precautions:** Do not breathe dust. Keep away from incompatibles such as acids, alkalis.

**Storage:** Keep container tightly closed. Keep container in a cool, well-ventilated area. Do not store above 24°C (75.2°F).

### Section 8: Exposure Controls/Personal Protection



**Science Lab.com**  
Chemicals & Laboratory Equipment



Health	2
Fire	0
Reactivity	0
Personal Protection	E

## Material Safety Data Sheet

### Aluminum potassium sulfate MSDS

#### Section 1: Chemical Product and Company Identification

**Product Name:** Aluminum potassium sulfate

**Catalog Codes:** SLA2470, SLA3973, SLA1627, SLA3133, SLA4636

**CAS#:** 7784-24-9

**RTECS:** WS5690000

**TSCA:** TSCA 8(b) inventory: No products were found.

**CI#:** Not available.

**Synonym:** Potassium alum; Aluminum Potassium Sulfate Dodecahydrate; Sulfuric Acid, Aluminum Potassium Salt (2:1:1), Dodecahydrate.

**Chemical Name:** Aluminum Potassium Sulfate

**Chemical Formula:**  $AlK(SO_4)_2 \cdot 12H_2O$

**Contact Information:**

**Sciencelab.com, Inc.**

14025 Smith Rd.

Houston, Texas 77396

US Sales: **1-800-901-7247**

International Sales: **1-281-441-4400**

Order Online: ScienceLab.com

**CHEMTREC (24HR Emergency Telephone), call:**  
1-800-424-9300

**International CHEMTREC, call:** 1-703-527-3887

**For non-emergency assistance, call:** 1-281-441-4400

#### Section 2: Composition and Information on Ingredients

**Composition:**

Name	CAS #	% by Weight
Aluminum potassium sulfate	7784-24-9	100

**Toxicological Data on Ingredients:** Aluminum potassium sulfate LD50: Not available. LC50: Not available.

#### Section 3: Hazards Identification

**Potential Acute Health Effects:** Hazardous in case of skin contact (irritant), of eye contact (irritant), of ingestion, of inhalation.

**Potential Chronic Health Effects:**

CARCINOGENIC EFFECTS: Not available. MUTAGENIC EFFECTS: Not available. TERATOGENIC EFFECTS: Not available.

DEVELOPMENTAL TOXICITY: Not available. Repeated or prolonged exposure is not known to aggravate medical condition.

#### Section 4: First Aid Measures

**Eye Contact:**

Check for and remove any contact lenses. In case of contact, immediately flush eyes with plenty of water for at least 15 minutes. Cold water may be used. Get medical attention.

**Skin Contact:**

In case of contact, immediately flush skin with plenty of water. Cover the irritated skin with an emollient. Remove contaminated clothing and shoes. Cold water may be used. Wash clothing before reuse. Thoroughly clean shoes before reuse. Get medical attention.

**Serious Skin Contact:**

Wash with a disinfectant soap and cover the contaminated skin with an anti-bacterial cream. Seek medical attention.

**Inhalation:**

If inhaled, remove to fresh air. If not breathing, give artificial respiration. If breathing is difficult, give oxygen. Get medical attention.

**Serious Inhalation:** Not available.

**Ingestion:**

Do NOT induce vomiting unless directed to do so by medical personnel. Never give anything by mouth to an unconscious person. If large quantities of this material are swallowed, call a physician immediately. Loosen tight clothing such as a collar, tie, belt or waistband.

**Serious Ingestion:** Not available.

**Section 5: Fire and Explosion Data**

**Flammability of the Product:** Non-flammable.

**Auto-Ignition Temperature:** Not applicable.

**Flash Points:** Not applicable.

**Flammable Limits:** Not applicable.

**Products of Combustion:** Not available.

**Fire Hazards in Presence of Various Substances:** Not applicable.

**Explosion Hazards in Presence of Various Substances:**

Risks of explosion of the product in presence of mechanical impact: Not available. Risks of explosion of the product in presence of static discharge: Not available.

**Fire Fighting Media and Instructions:** Not applicable.

**Special Remarks on Fire Hazards:** Not available.

**Special Remarks on Explosion Hazards:** Not available.

**Section 6: Accidental Release Measures**

**Small Spill:**

Use appropriate tools to put the spilled solid in a convenient waste disposal container. Finish cleaning by spreading water on the contaminated surface and dispose of according to local and regional authority requirements.

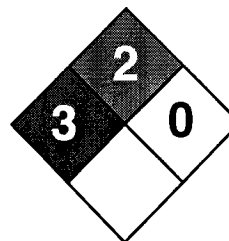
**Large Spill:**

Use a shovel to put the material into a convenient waste disposal container. Finish cleaning by spreading water on the contaminated surface and allow to evacuate through the sanitary system.

**Section 7: Handling and Storage**

**Precautions:**

Do not breathe dust. Wear suitable protective clothing. In case of insufficient ventilation, wear suitable respiratory equipment. If you feel unwell, seek medical attention and show the label when possible. Avoid contact with skin and eyes. Keep away from incompatibles such as oxidizing agents, metals, alkalis.



Health	3
Fire	2
Reactivity	0
Personal Protection	G

## Material Safety Data Sheet Formaldehyde 37% solution MSDS

### Section 1: Chemical Product and Company Identification

**Product Name:** Formaldehyde 37% solution

**Catalog Codes:** SLF1426

**CAS#:** Mixture.

**RTECS:** LP8925000

**TSCA:** TSCA 8(b) inventory: Formaldehyde; Methyl alcohol; Water

**CI#:** Not applicable.

**Synonym:** Formalin

**Chemical Name:** Formaldehyde

**Chemical Formula:** HCHO

**Contact Information:**

**Sciencelab.com, Inc.**

14025 Smith Rd.

Houston, Texas 77396

US Sales: **1-800-901-7247**

International Sales: **1-281-441-4400**

Order Online: ScienceLab.com

**CHEMTREC (24HR Emergency Telephone), call:**

1-800-424-9300

**International CHEMTREC, call:** 1-703-527-3887

**For non-emergency assistance, call:** 1-281-441-4400

### Section 2: Composition and Information on Ingredients

**Composition:**

Name	CAS #	% by Weight
Formaldehyde	50-00-0	36.5-38
Methyl alcohol	67-56-1	10-15
Water	7732-18-5	47-53.5

**Toxicological Data on Ingredients:** Formaldehyde: ORAL (LD50): Acute: 100 mg/kg [Rat]. 42 mg/kg [Mouse]. 260 mg/kg [Guinea pig]. MIST (LC50): Acute: 454000 mg/m 4 hours [Mouse]. Methyl alcohol: ORAL (LD50): Acute: 5628 mg/kg [Rat]. DERMAL (LD50): Acute: 15800 mg/kg [Rabbit]. VAPOR (LC50): Acute: 64000 ppm 4 hours [Rat].

### Section 3: Hazards Identification

**Potential Acute Health Effects:**

Very hazardous in case of eye contact (irritant), of ingestion, . Hazardous in case of skin contact (irritant, sensitizer, permeator), of eye contact (corrosive). Slightly hazardous in case of skin contact (corrosive). Severe over-exposure can result in death. Inflammation of the eye is characterized by redness, watering, and itching.

**Potential Chronic Health Effects:**

Hazardous in case of skin contact (sensitizer). CARCINOGENIC EFFECTS: Classified A2 (Suspected for human.) by ACGIH, 2A (Probable for human.) by IARC [Formaldehyde]. MUTAGENIC EFFECTS: Mutagenic for mammalian somatic cells. [Formaldehyde]. Mutagenic for bacteria and/or yeast. [Formaldehyde]. Mutagenic for mammalian somatic cells. [Methyl

alcohol]. Mutagenic for bacteria and/or yeast. [Methyl alcohol]. TERATOGENIC EFFECTS: Classified POSSIBLE for human [Methyl alcohol]. DEVELOPMENTAL TOXICITY: Not available The substance may be toxic to kidneys, liver, skin, central nervous system (CNS). Repeated or prolonged exposure to the substance can produce target organs damage. Repeated exposure to a highly toxic material may produce general deterioration of health by an accumulation in one or many human organs.

#### Section 4: First Aid Measures

**Eye Contact:**

Check for and remove any contact lenses. Immediately flush eyes with running water for at least 15 minutes, keeping eyelids open. Cold water may be used. Get medical attention immediately.

**Skin Contact:**

In case of contact, immediately flush skin with plenty of water. Cover the irritated skin with an emollient. Remove contaminated clothing and shoes. Cold water may be used. Wash clothing before reuse. Thoroughly clean shoes before reuse. Get medical attention.

**Serious Skin Contact:**

Wash with a disinfectant soap and cover the contaminated skin with an anti-bacterial cream. Seek immediate medical attention.

**Inhalation:**

If inhaled, remove to fresh air. If not breathing, give artificial respiration. If breathing is difficult, give oxygen. Get medical attention immediately.

**Serious Inhalation:**

Evacuate the victim to a safe area as soon as possible. Loosen tight clothing such as a collar, tie, belt or waistband. If breathing is difficult, administer oxygen. If the victim is not breathing, perform mouth-to-mouth resuscitation. WARNING: It may be hazardous to the person providing aid to give mouth-to-mouth resuscitation when the inhaled material is toxic, infectious or corrosive. Seek immediate medical attention.

**Ingestion:**

If swallowed, do not induce vomiting unless directed to do so by medical personnel. Never give anything by mouth to an unconscious person. Loosen tight clothing such as a collar, tie, belt or waistband. Get medical attention immediately.

**Serious Ingestion:** Not available.

#### Section 5: Fire and Explosion Data

**Flammability of the Product:** Flammable.

**Auto-Ignition Temperature:** 430°C (806°F)

**Flash Points:** CLOSED CUP: 50°C (122°F). OPEN CUP: 60°C (140°F).

**Flammable Limits:** The greatest known range is LOWER: 6% UPPER: 36.5% (Methyl alcohol)

**Products of Combustion:** These products are carbon oxides (CO, CO<sub>2</sub>).

**Fire Hazards in Presence of Various Substances:**

Flammable in presence of open flames and sparks, of heat. Non-flammable in presence of shocks, of oxidizing materials, of reducing materials, of combustible materials, of organic materials, of metals, of acids, of alkalis.

**Explosion Hazards in Presence of Various Substances:** Non-explosive in presence of open flames and sparks, of shocks.

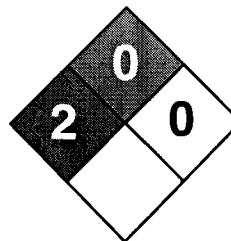
**Fire Fighting Media and Instructions:**

Flammable liquid, soluble or dispersed in water. SMALL FIRE: Use DRY chemical powder. LARGE FIRE: Use alcohol foam, water spray or fog. Cool containing vessels with water jet in order to prevent pressure build-up, autoignition or explosion.

**Special Remarks on Fire Hazards:**

Explosive in the form of vapor when exposed to heat or flame. Vapor may travel considerable distance to source of ignition and flash back. When heated to decomposition, it emits acrid smoke and irritating fumes. CAUTION: MAY BURN WITH NEAR INVISIBLE FLAME (Methyl alcohol)





Health	2
Fire	0
Reactivity	0
Personal Protection	H

## Material Safety Data Sheet

### Glutaraldehyde Solution, 50% MSDS

#### Section 1: Chemical Product and Company Identification

**Product Name:** Glutaraldehyde Solution, 50%

**Catalog Codes:** SLG2182

**CAS#:** Mixture.

**RTECS:** MA2450000

**TSCA:** TSCA 8(b) inventory: Glutaraldehyde; Water

**CI#:** Not available.

**Synonym:** Glutaraldehyde Solution, 50%; Petanedial;  
Glutaric Dialdehyde, 50% in water

**Chemical Name:** Not applicable.

**Chemical Formula:** C5-H8-O2

**Contact Information:**

**Sciencelab.com, Inc.**

14025 Smith Rd.

Houston, Texas 77396

US Sales: **1-800-901-7247**

International Sales: **1-281-441-4400**

Order Online: ScienceLab.com

**CHEMTREC (24HR Emergency Telephone), call:**

1-800-424-9300

**International CHEMTREC, call:** 1-703-527-3887

**For non-emergency assistance, call:** 1-281-441-4400

#### Section 2: Composition and Information on Ingredients

**Composition:**

Name	CAS #	% by Weight
Glutaraldehyde	111-30-8	50
Water	7732-18-5	50

**Toxicological Data on Ingredients:** Glutaraldehyde: ORAL (LD50): Acute: 134 mg/kg [Rat]. 100 mg/kg [Mouse]. DERMAL (LD50): Acute: >2500 mg/kg [Rat]. >5840 mg/kg [Mouse]. VAPOR (LC50): Acute: 480 mg/m 4 hours [Rat].

#### Section 3: Hazards Identification

**Potential Acute Health Effects:**

Hazardous in case of skin contact (irritant), of eye contact (irritant), of ingestion, of inhalation (lung irritant, lung sensitizer). Slightly hazardous in case of skin contact (sensitizer, permeator). Liquid or spray mist may produce tissue damage particularly on mucous membranes of eyes, mouth and respiratory tract. Skin contact may produce burns. Inhalation of the spray mist may produce severe irritation of respiratory tract, characterized by coughing, choking, or shortness of breath. Severe over-exposure can result in death.

**Potential Chronic Health Effects:**

**CARCINOGENIC EFFECTS:** Classified A4 (Not classifiable for human or animal.) by ACGIH [Glutaraldehyde]. **MUTAGENIC EFFECTS:** Mutagenic for mammalian somatic cells. [Glutaraldehyde]. Mutagenic for bacteria and/or yeast. [Glutaraldehyde]. **TERATOGENIC EFFECTS:** Not available. **DEVELOPMENTAL TOXICITY:** Classified Reproductive system/toxin/female,

46

Reproductive system/toxin/male [SUSPECTED] [Glutaraldehyde]. The substance may be toxic to blood, the reproductive system, liver, mucous membranes, spleen, central nervous system (CNS), Urinary System. Repeated or prolonged exposure to the substance can produce target organs damage. Repeated or prolonged contact with spray mist may produce chronic eye irritation and severe skin irritation. Repeated or prolonged exposure to spray mist may produce respiratory tract irritation leading to frequent attacks of bronchial infection. Repeated exposure to a highly toxic material may produce general deterioration of health by an accumulation in one or many human organs.

#### Section 4: First Aid Measures

**Eye Contact:**

Check for and remove any contact lenses. In case of contact, immediately flush eyes with plenty of water for at least 15 minutes. Cold water may be used. Get medical attention immediately.

**Skin Contact:**

In case of contact, immediately flush skin with plenty of water. Cover the irritated skin with an emollient. Remove contaminated clothing and shoes. Cold water may be used. Wash clothing before reuse. Thoroughly clean shoes before reuse. Get medical attention.

**Serious Skin Contact:**

Wash with a disinfectant soap and cover the contaminated skin with an anti-bacterial cream. Seek immediate medical attention.

**Inhalation:**

If inhaled, remove to fresh air. If not breathing, give artificial respiration. If breathing is difficult, give oxygen. Get medical attention immediately.

**Serious Inhalation:**

Evacuate the victim to a safe area as soon as possible. Loosen tight clothing such as a collar, tie, belt or waistband. If breathing is difficult, administer oxygen. If the victim is not breathing, perform mouth-to-mouth resuscitation. WARNING: It may be hazardous to the person providing aid to give mouth-to-mouth resuscitation when the inhaled material is toxic, infectious or corrosive. Seek immediate medical attention.

**Ingestion:**

If swallowed, do not induce vomiting unless directed to do so by medical personnel. Never give anything by mouth to an unconscious person. Loosen tight clothing such as a collar, tie, belt or waistband. Get medical attention immediately.

**Serious Ingestion:** Not available.

#### Section 5: Fire and Explosion Data

**Flammability of the Product:** Non-flammable.

**Auto-Ignition Temperature:** Not applicable.

**Flash Points:** Not applicable.

**Flammable Limits:** Not applicable.

**Products of Combustion:** When heated to decomposition, it emits acrid smoke and fumes.

**Fire Hazards in Presence of Various Substances:** Not applicable.

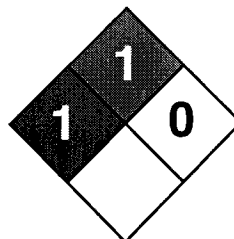
**Explosion Hazards in Presence of Various Substances:**

Risks of explosion of the product in presence of mechanical impact: Not available. Risks of explosion of the product in presence of static discharge: Not available.

**Fire Fighting Media and Instructions:** Not applicable.

**Special Remarks on Fire Hazards:** Not available.

**Special Remarks on Explosion Hazards:** Not available.



Health	1
Fire	1
Reactivity	0
Personal Protection	A

## Material Safety Data Sheet POLYSORBATE 80 MSDS

### Section 1: Chemical Product and Company Identification

**Product Name:** POLYSORBATE 80

**Catalog Codes:** SLP4093

**CAS#:** 9005-65-6

**RTECS:** WG2935000

**TSCA:** TSCA 8(b) inventory: POLYSORBATE 80

**CI#:** Not available.

**Synonym:** TWEEN 80; Polyoxyethylene 20 sorbitan monooleate; Polyethylene oxide sorbitan mono-oleate; Polyoxyethylene sorbitan monooleate; Polyoxyethylene sorbitan oleate; Sorbitan mono-9-octadecenoate poly(oxy-1,2-ethanediyl) derivatives; Sorethytan (20) monooleate

**Chemical Name:** Sorbitan, monooleate polyoxyethylene deriv.

**Chemical Formula:** Not available.

**Contact Information:**

**Sciencelab.com, Inc.**

14025 Smith Rd.

Houston, Texas 77396

US Sales: **1-800-901-7247**

International Sales: **1-281-441-4400**

Order Online: ScienceLab.com

**CHEMTREC (24HR Emergency Telephone), call:**

1-800-424-9300

**International CHEMTREC, call:** 1-703-527-3887

**For non-emergency assistance, call:** 1-281-441-4400

### Section 2: Composition and Information on Ingredients

**Composition:**

Name	CAS #	% by Weight
POLYSORBATE 80	9005-65-6	100

**Toxicological Data on Ingredients:** Not applicable.

### Section 3: Hazards Identification

**Potential Acute Health Effects:** Slightly hazardous in case of skin contact (irritant), of eye contact (irritant), of ingestion, of inhalation.

**Potential Chronic Health Effects:**

CARCINOGENIC EFFECTS: Not available. MUTAGENIC EFFECTS: Not available. TERATOGENIC EFFECTS: Not available. DEVELOPMENTAL TOXICITY: Not available. Repeated or prolonged exposure is not known to aggravate medical condition.

### Section 4: First Aid Measures

**Eye Contact:**

Check for and remove any contact lenses. In case of contact, immediately flush eyes with plenty of water for at least 15 minutes. Cold water may be used. Get medical attention if irritation occurs.

**Skin Contact:**

Wash with soap and water. Cover the irritated skin with an emollient. Get medical attention if irritation develops. Cold water may be used.

**Serious Skin Contact:** Not available.

**Inhalation:**

If inhaled, remove to fresh air. If not breathing, give artificial respiration. If breathing is difficult, give oxygen. Get medical attention.

**Serious Inhalation:** Not available.

**Ingestion:**

Do NOT induce vomiting unless directed to do so by medical personnel. Never give anything by mouth to an unconscious person. Loosen tight clothing such as a collar, tie, belt or waistband. Get medical attention if symptoms appear.

**Serious Ingestion:** Not available.

**Section 5: Fire and Explosion Data**

**Flammability of the Product:** May be combustible at high temperature.

**Auto-Ignition Temperature:** Not available.

**Flash Points:** CLOSED CUP: >148.89°C (300°F).

**Flammable Limits:** Not available.

**Products of Combustion:** Not available.

**Fire Hazards in Presence of Various Substances:** Slightly flammable to flammable in presence of heat.

**Explosion Hazards in Presence of Various Substances:**

Risks of explosion of the product in presence of mechanical impact: Not available. Risks of explosion of the product in presence of static discharge: Not available.

**Fire Fighting Media and Instructions:**

SMALL FIRE: Use DRY chemical powder. LARGE FIRE: Use water spray, fog or foam. Do not use water jet.

**Special Remarks on Fire Hazards:** Not available.

**Special Remarks on Explosion Hazards:** Not available.

**Section 6: Accidental Release Measures**

**Small Spill:**

Dilute with water and mop up, or absorb with an inert dry material and place in an appropriate waste disposal container. Finish cleaning by spreading water on the contaminated surface and dispose of according to local and regional authority requirements.

**Large Spill:**

Absorb with an inert material and put the spilled material in an appropriate waste disposal. Finish cleaning by spreading water on the contaminated surface and allow to evacuate through the sanitary system.

**Section 7: Handling and Storage**

**Precautions:**

## APPENDIX “B”

### Vaccine Excipient & Media Summary

## APPENDIX “C”

Events Surrounding the DeStefano et al  
(2004) MMR-Autism Study

Frank

**Age at First MMR Vaccination and Autism**

Thompson William, Karapurkar Tanya, DeStefano Frank, Bolye Coleen, Doernberg Nancy,  
Murphy Catherine, Catherine Rice, Robert Chen, Yeargin-Allsopp Marshalyn

**DRAFT**



**May 22, 2002**

## Abstract

### Introduction

We conducted a matched case-control study utilizing the Centers for Disease Control and Prevention (CDC) Metropolitan Atlanta Developmental Disabilities Surveillance Program. The main objective of the study was to evaluate the association between autism and age of receipt of the MMR vaccine after controlling for background characteristics. We also examined several autism subgroups to determine if the more homogenous subgroups were more likely to be associated with the age of MMR vaccine.

### Methods

The CDC's Metropolitan Atlanta Developmental Disabilities Surveillance Program (MADDSP) was used to identify children with autism (N=647) who met the MADDSP surveillance case definition for autism and had school records available in one of 9 school systems in the 5 county Atlanta surveillance region. Control children (N=1,891) were selected from regular education programs and were matched to case-children based on age, sex, and school of attendance at the time of abstraction. Trained abstractors collected vaccination histories for both cases and controls from the standardized State of Georgia immunization forms that all children are required to provide to attend public schools in Georgia. The primary exposure of interest was age of receipt of the first dose of the MMR vaccine. We used conditional logistic regression models stratified by matched sets to estimate the odds ratios for the association between age at MMR vaccination and autism. Potential confounding variables were evaluated individually for their impact on the MMR-autism association.



## Events Surrounding the DeStefano et al (2004) MMR-Autism Study

Prepared by Dr. William E. Thompson

September 9, 2014

### Background

My primary job duties while working in the Immunization Safety Branch from 2000 to 2006 were to lead or co-lead three major vaccine safety studies.

1. VSD Thimerosal Neurodevelopment Study (Thompson et al, NEJM, 2007)
2. VSD Thimerosal Autism Study (Price, Thompson et al, Pediatrics, 2010)
3. MADDSP MMR-Autism Case-Control Study (DeStefano et al, Pediatrics, 2004)

The MADDSP MMR-Autism Cases Control Study was being carried out in response to the Wakefield (1998) Lancet study that suggested an association between the MMR vaccine and an autism-like health outcome. There were several major concerns among scientists and consumer advocates outside the CDC in the fall of 2000 regarding in the execution of the Verstraeten et al (2003) study<sup>1</sup>. The Verstraeten Study was the first study the CDC carried out to examine the association between thimerosal and neurodevelopmental outcomes including autism. Some of the major concerns included 1) many of the statistical analyses were carried out post-hoc after an initial set of analyses were run, 2) the study protocol evolved over time, and 3) the CDC did not share many of the internal study findings with individuals and constituents outside the CDC.

One of the important goals that was determined up front in the spring of 2001 before any of these studies started was to have all three study protocols vetted outside the CDC prior to the start of analyses so that consumer advocates could not claim that we were presenting analyses that suited our own goals and biases.

My primary responsibilities for the MADDSP MMR-Autism Study were:

1. Lead the large majority of the study-related meetings with all coauthors.
2. Write all the SAS programs for all the statistical analyses associated with the paper.
3. Summarize and present the statistical results to the coauthors on a regular basis.

In addition, all SAS programs and statistical analyses were reviewed by both Dr. Margarett Kolczak and Dr. Andrew Autry. All data management work was led by Tanya Karapukar and she also reviewed the data management-related activities and decisions included in the SAS programs. All of my statistical analyses were run off of data sets cleaned and provided to me by Tanya Karapukar.

On September 5, 2001, we finalized the vetted study analysis plan for MADDSP MMR-Autism Study. (See Final Analysis Plan dated September 5, 2001). The study protocol included a timeline and the goal

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<sup>1</sup> Thomas Verstraeten, et al., Safety of Thimerosal-Containing Vaccines: A Two-Phased Study of Computerized Health Maintenance Organization Databases (Verstraeten, et al., Pediatrics 112:5, 2003)

was to finish the analyses and submit the manuscript for publication to the New England Journal of Medicine by December 1, 2000. **The final analysis plan described analyses for the TOTAL sample and the BIRTH CERTIFICATE sample which included assessment of the RACE variable. (See pages 7 and 8 of the Final Analysis Plan).** There were two primary endpoints for the study. One was using a threshold of 36 months (see Table 3a of Final Analysis Plan), and the second was a threshold of 18 months. (See Table 3b of Final Analysis Plan). We hypothesized that if we found statistically significant effects at either the 18-month or 36-month threshold, we would conclude that vaccinating children early with the MMR vaccine could lead to autism-like characteristics or features. We never claimed or intended that if we found statistically significant effects in the TOTAL SAMPLE, we would ignore the results if they could not be confirmed in the BIRTH CERTIFICATE SAMPLE.

**Timeline of Events:**

1. In general, all coauthors attended the meetings I scheduled to discuss analyses with the exception of other conflicting meetings when one of us could not attend. The meetings began at least as early as March 2001.
2. On August 29, 2001, I outlined the method that would be used to code RACE for the TOTAL Sample and the Birth Certificate Sample. (See scanned notes from 2001-2002).
3. On September 5, 2001, we all met and finalized the study protocol and analysis plan. The goal was to not deviate from the analysis plan to avoid the debacle that accord with the Verstraeten Thimerosal Study published in Pediatrics in 2003. At the September 5<sup>th</sup> meeting we discussed in detail how to code RACE for both the TOTAL SAMPLE and the BIRTH CERTIFICATE SAMPLE. (See Page 7 of Agendas Attachment).
4. On October 15, 2001, I ran matched and unmatched analyses for whites and blacks. I would only do this if I had found statistically significant effects by RACE. (See 2001-2002 notes dated October 15, 2001).
5. On October 24<sup>th</sup>, I wrote in my notes that we have selected the New England Journal of Medicine as the target journal for the manuscript. (See 2001-2002 notes dated October 24<sup>th</sup>, 2001).
6. On October 31, 2001, all coauthors discussed the study initial results. (See page 8 of Agendas Attachment).
7. On November 2<sup>nd</sup>, I wrote in my notebook to run analyses for whites and blacks for the early-vaccinated and late-vaccinated subjects. These analyses were run for the TOTAL sample. I would have only run those types of analyses if we had been attempting to explore why we had found significant RACE effects. (See 2001-2002 notes dated November 2, 2001)

8. On November 6, 2001, I have written notes instructing myself to run 4 group analyses and BLACK analyses. Again, I would have only been doing this if we had found concerning results for blacks. (See 2001-2002 notes dated November 6, 2001).
9. On November 8, 2001, I continued to write that the Black/White comparisons need to be continued. (See 2001-2002 notes dated November 8, 2001).
10. On February 20, 2002, all coauthors met and discussed statistical analyses for the Total Sample and the Birth Certificate Sample. (See page 14 of agendas attachment).
11. On May 22, 2002, all coauthors met and discussed analysis of the 24 month threshold for the Total Sample. We did this because there were many statistically significant effects at the 24 month threshold. (See page 16 of Agendas Attachment).
12. On June 28, 2002, all coauthors met and examined subgroup analyses by RACE for Whites and Blacks. (See page 17 in the Agendas Attachment and handout that includes Table 5).
13. In the Excel File named "describe\_results\_2002\_0702.xls", Table 7 shows the RACE analyses that I had run using ONLY the BIRTH CERTIFICATE Sample --- the unadjusted RACE effect was statistically significant. (OR=1.51, [95%CI 1.02 - 2.24]). At the bottom of Table 7, it also shows that for the NON-BIRTH Certificate Sample, the adjusted RACE effect statistically significance was HUGE. (OR=2.94 [95%CI 1.48 - 5.81]). That is the main reason why we decided to report the RACE effects for ONLY the BIRTH Certificate Sample.
14. In the Excel File named "describe\_results\_2002\_0801.xls", I split Table 7 into three different Tables (Table 7a, Table 7b, and Table 7c) to further investigate the RACE subgroup analyses.
15. All the coauthors met and decided sometime between August 2002 and September 2002 not to report any RACE effects for the paper.
16. Sometime soon after the meeting where we decided to exclude reporting any RACE effects, also between August 2002 and September 2002, the coauthors scheduled a meeting to destroy documents related to the study. Dr. Coleen Boyle was not present at the meeting even though she was involved in scheduling that meeting. The remaining 4 coauthors all met and brought a big garbage can into the meeting room and reviewed and went through all our hard copy documents that we thought we should discard and put them in the large garbage can. However, because I assumed this was illegal and would violate both FOIA laws and DOJ requests, I kept hard copies of all my documents in my office and I retained all the associated computer files. This included all the Word files (agendas and manuscript drafts), Excel files with analysis and results, and SAS files that I used to generate the statistical findings. I also kept all my written notes from meetings. All the associated MMR-Autism Study computer files have

been retained on the Immunization Safety Office computer servers since the inception of the study and they continue to reside there today.

17. On or about September 3, 2002, I informed Dr. Melinda Wharton, the Division Chief for the Branch I worked in, that we had concerning results from the MMR-Autism Study that we would like to discuss with her.
18. Dr. Melinda Wharton formally reprimanded Dr. Bob Chen, my Branch Chief, on September 18, 2002. As I stated in my e-mails to both Dr. Melinda Wharton and to Dr. Walt Orenstein, I believe this was an intimidating personnel action and threatened the credibility of the entire branch. It also put a big black cloud over our branch and demoralized many of the staff.
19. On October 9, 2002, Dr. Margarette Kolczak, an extremely reputable biostatistician, reviewed my SAS programs and made a suggestion for testing the RACE Interaction. This was a post-hoc decision and an attempt to absolve us from reporting the RACE effects.
20. On October 16, 2002, I asked Dr. Walt Orenstein to remove the formal reprimand of Dr. Chen because I said there was false information included in it. (See e-mail RE Dr. Robert Chen's Reprimand).
21. On October 20, 2002, I described to Dr. Orenstein the dilemma I was in regarding the concerning MMR-Autism Study results and the reprimand of Dr. Chen. I told him I felt intimidated by the move and I linked it to them knowing the results would be problematic if they were shared outside the CDC.
22. On October 22, 2002, Dr. Boyle was assigned to brief Dr. Orenstein and Dr. Jose Cordero (the new Center Director for the National Center of Birth Defects and Developmental Disabilities).
23. Between October 22, 2002 and January 2004, there were significantly fewer hand written notes for the MMR-Autism Study because we had finalized the results and were writing the manuscript up for publication. I have many draft manuscripts that were written and are dated.
24. On January 8, 2004, I began to present draft PowerPoint presentations of the MMR-Autism Study for the Institute of Medicine meeting that I was scheduled to present on February 9, 2004 in Washington DC. I have copies of each of those PowerPoint presentations. During the next 30 days, I presented the results to the Division Director of ESD in the National Immunization Program, and the Director of the National Immunization Program. I would also present the results in the offices of Dr. Julie Gerberding.
25. On January 27, 2004, I had lunch with Dr. Marshalyn Yeargin-Allsopp. She told me that Dr. Frank DeStefano still currently reported to her.

26. On February 2, 2004, I met with Dr. Steve Cochi (the new Director of the National Immunization Program) and Dr. Melinda Wharton. During that meeting I provided Dr. Cochi with a draft of my letter to Dr. Julie Gerberding and sought his input. He requests that I remove any criticism of NIP in the letter.
27. During the February 2 meeting with Dr. Cochi and Dr. Wharton, I also requested that Dr. Walter Orenstein be brought into the meeting because he had arrived in the building that morning. Dr. Cochi suggested that Dr. Orenstein was "heading off into the sunset" and that we shouldn't bother him with these issues. Although Dr. Orenstein had announced his retirement in January 2004, he was still coming for meetings on a regular basis.
28. On this same day, Brooke Barry, a CDC public health analysis and someone I trusted very much, informed me that the "autism caucus" was meeting on February 3<sup>rd</sup> and that they were initiating or requesting a formal investigation of the National Immunization Program.
29. On February 2, 2004, after meeting with Dr. Cochi and Dr. Wharton, I delivered my letter for Dr. Julie Gerberding regarding my concerns regarding results from the MMR-Autism Study just before I had to present them to the Institute of Medicine on February 9, 2004. (See scanned letter to Dr. Gerberding dated February 2, 2004).
30. On March 9<sup>th</sup>, I was put on administrative leave. In the Annex to the memorandum, they provided a list of my "inappropriate and unacceptable behavior in the work place" which included "you criticized the NIP/OD for doing very poor job of representing vaccine safety issues, claimed that NIP/OD had failed to be proactive in their handling of vaccine safety issues, and you requested that Dr. Gerberding reply to your letter from a congressional representative before you made your presentation to the IOM." (See scanned Memorandum dated January 9, 2004.). I stand by that statement and I do not think it was unacceptable to convey that to Dr. Gerberding.

### Conclusion

I believe we intentionally withheld controversial findings from the final draft of the DeStefano et al (2004) Pediatrics paper. We failed to follow the final approved study protocol and we ran detailed in depth RACE analyses from October 2001 through August 2002 attempting to understand why we were finding large vaccine effects for blacks. The fact that we found a strong statistically significant finding among black males does not mean that there was a true association between the MMR vaccine and autism-like features in this subpopulation. This result would have probably have led to designing additional better studies if we had been willing to report the findings in the study and manuscript at the time that we found them. The significant effect of early vaccination with the MMR vaccine might have also been a proxy for the receipt of thimerosal vaccines early in life but we didn't have the appropriate data to be able to code the level of thimerosal exposure from the MADDSP school records.

In addition to significant effects for black males, we also found significant effects for “isolated autism cases” and for the threshold of 24 months of age. If we had reported the 24 month effects, our justification for ignoring the 36 month significant effects would not have been supported. In the discussion section of the final published manuscript, we took the position that service seeking was the reason we found a statistically significant effect at 36 months. This was a post-hoc hypothesis regarding the findings after we confirmed one of our primary hypotheses. Because we knew that the threshold for 24 months was also statistically significant, reporting it would have undermined the hypothesis that service seeking was the reason we found an effect at 36 months. (See published paper).



CERTIFICATE OF SERVICE

This is to certify that I have on this 14<sup>th</sup> day of November, 2016 placed a true and correct copy of the: Plaintiffs' Writ of Mandamus by depositing the same in the U.S. Mails in assigned Case Incorporated No. 2:16-cv-05224-SVW-AGR at the below address with **Certified Mail Number: 70151730000201215960**

To: Marine Pogosyan, Clerk to Magistrate Judge Alicia G. Rosenberg, United States District Court Central District of California, Western Division, 312 North Spring Street room G-8 Los Angeles, California 90012.

**And;** to

DIANE F. BOYER-VINE (SBN: 124182) Legislative Counsel  
ROBERT A. PRATT (SBN: 137704) Principal Deputy Legislative Counsel  
CARA L. JENKINS (SBN: 271432) Deputy Legislative Counsel Office of Legislative Counsel  
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Attorneys for Defendants

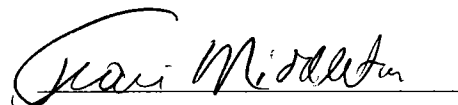
Assembly Member Catharine Baker, Assembly Member Richard Bloom, Assembly Member David Chiu, Assembly Member Jim Cooper, Assembly Member Cristina Garcia, Assembly Member Lorena Gonzalez, Assembly Member Reginald Jones-Sawyer, Assembly Member Evan Low, Assembly Member Adrin Nazarian, Assembly Member Bill Quirk, Assembly Member Anthony Rendon, Assembly Member Mark Stone, Assembly Member Jim Wood, Senator Ben Allen, Senator Jim Beall, Senator Marty Block, Senator Kevin de Leon, Senator Robert Hertzberg, Senator Mark Leno, Senator Isadore Hall, Senator Jerry Hill, Senator Hannah-Beth Jackson, Senator Mike McGuire, Senator Holly Mitchell, Senator Richard Pan, Senator Jeff Stone, Senator Bob Wieckowski, Senator Lois Wolk;

To: KAMALA D. HARRIS Attorney General of California, RICHARD T. WALDOW ELIZABETH S. ANGRES, Supervising Deputy Attorneys General; JONATHAN E. RICH (SBN 187386), ELIZABETH G. O'DONNELL (SBN 162453), JACQUELYN Y. YOUNG (SBN 306094), Deputy Attorneys General, 300 South Spring Street, Suite 1702, Los Angeles, CA 90013 Telephone: (213) 897-2439 Fax: (213) 897-2805

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Attorneys for Defendants Governor Edmund G. Brown, Jr., and the State of California

I declare under penalty of perjury that the above is true and correct.



Travis Middleton