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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

In Re:

GUSTAVO ESCAMILLA, an individual,

Petitioner,

v.

UNITED STATES OF AMERICA; UNITED STATES DEPARTMENT OF JUSTICE; and OTIS D. WRIGHT, II, in his official capacity as a United States District Judge,

Respondents.

Case No. 2:26-cv-09383-AB

PETITIONER'S EMERGENCY NOTICE OF SUPPLEMENTAL FACTS IN SUPPORT OF MOTION TO DISQUALIFY THE UNITED STATES ATTORNEY'S OFFICE: THE OFFICE'S DUTY TO REPORT (28 U.S.C. § 535(b)) AND THE PUBLIC INTEGRITY SECTION; THE AUGUST 16 AND SEPTEMBER 14, 2026 LETTERS; THE OFFICE'S CONTINUED SILENCE; DECLARATION OF GUSTAVO ESCAMILLA; EXHIBITS A–C [Re: Dkt. 36]

[No Hearing Requested; No Ruling Requested]

Hon. André Birotte Jr.

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PETITIONER'S EMERGENCY NOTICE OF SUPPLEMENTAL FACTS IN SUPPORT OF MOTION TO DISQUALIFY THE UNITED STATES ATTORNEY'S OFFICE: THE OFFICE'S DUTY TO REPORT (28 U.S.C. § 535(b)) AND THE PUBLIC INTEGRITY SECTION; THE AUGUST 16 AND SEPTEMBER 14, 2026 LETTERS; THE OFFICE'S CONTINUED SILENCE; DECLARATION OF GUSTAVO ESCAMILLA; EXHIBITS A–C [Re: Dkt. 36]

TO THE HONORABLE COURT, AND TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that Petitioner Gustavo Escamilla, a federally identified crime victim, submits the following supplemental facts in support of his pending Motion to Disqualify the United States Attorney's Office for the Central District of California (the "Office") (Dkt. 36). Each fact is established by the documents attached to this Notice, by the public docket, or by petitioner's declaration.

This Notice requests no ruling and no relief beyond what the pending Motion already seeks, requests no finding concerning any judge, and makes no criminal accusation against any person. Petitioner gave the Office written notice of this Notice on November 1, 2026, asked for its written position by 10:00 a.m. on November 2, 2026, and told it that, if it did not respond, the Notice would say so. (Ex. A.) Petitioner is filing the same Notice in No. 2:26-cv-09383-AB and No. 2:17-cv-07748-AB.

I. THE RECORD IN BRIEF

Read in sequence, the public record tells a single story. Each step below is drawn from the government's own filings, this Court's own orders, or documents the Office has never denied.

2015. Federal agents identify the victim's company as the lead victim of a federal counterfeiting investigation. They tell him the government has recovered

more than $20 million, and that he "may be able to recover from an established victims' fund." (No. 2:17-cv-07748, Dkt. 13 at 2, Page ID #:210.) Two of the agents who met with him on March 3, 2015, DHS Supervisory Special Agent Shawn S. Gibson and Special Agent Carlos I. Suarez of Homeland Security Investigations, Kansas City, gave him their business cards. (Ex. C.)

2016. A DHS agent writes that a federal court "found in favor of Selakovic against Greenway Nutrients in regards to the assertion of the Greenway trademark." No court ever did. The only court to rule on the question wrote: "The Court disagrees." On the strength of a ruling no court made, the investigation is suspended as to the victim. (No. 2:26-cv-09383, Dkt. 58 § III, Page ID #:1971–1975.)

2018. The Office carries that reason into this Court and wins dismissal for lack of jurisdiction, on "the negative judgment in the Colorado action." (No. 2:17-cv-07748, Dkt. 13 at 13, Page ID #:221.)

2021. A judge without jurisdiction under the Act's venue provision orders the victims to show cause why their crime-victim petition is not precluded by a judgment that decided nothing, then dismisses it four days after they file the government's own declarations, calling their account "speculation pulled from the ether." (No. 2:21-cv-01910, Dkt. 10, Page ID #:293–294.) When the victims prove the ruling never existed, the Office does not deny it. It assumes it "arguendo." The proof is struck on a meet-and-confer rule and never reached. (No. 2:17-cv-07748, Dkt. 23 at 5, Page ID #:753; Dkt. 25.)

2026. On May 14, the victim petitions under the Crime Victims' Rights Act and the Mandatory Victims Restitution Act, setting out the ruling no court made, where it came from, and the record that refutes it. (No. 2:26-cv-05207, Dkts. 1, 9.)

On August 5, in a proceeding in which he has no right to be heard, the Office calls his petitions "ill-fated," describes the pending petition as containing "essentially the same broad allegations of alleged government misconduct that have been rejected by prior courts," and calls them "broad allegations of government

misconduct that courts have repeatedly rejected," while conceding that "the government does not address them here in substance." (*United States v. McCormick*, No. 2:20-cr-00346, ECF No. 864 at 4–5, Page ID #:11427–11428.) No court has ever rejected them on the merits. The Office has held the record that refutes the fabrication since 2018. It has never denied it; in 2021 it said the fraud would not matter. (No. 2:17-cv-07748, Dkt. 9-2, Ex. 3 at 24–26, Page ID #:171–173; Dkt. 23 at 5, Page ID #:753.)

The same year, the victim asks to be protected from an enterprise documented for witness intimidation, jury tampering, and murder. His motion is struck twice, and he is warned of sanctions. His petition is held for three months and never decided. (No. 2:26-cv-05207, Dkts. 35, 43, 49.) He asks the Office to identify any authority requiring a crime victim to serve it before it will accord his rights. It identifies none. He asks whether it has reported these allegations, as federal law requires. It does not answer. (Section III.D, *infra*; Ex. A.)

None of this was news to the Office. On December 30, 2025, the victim sent it his complaint to the DHS Office of Inspector General, with the First Assistant United States Attorney copied. (No. 2:26-cv-05207, Dkt. 9, Ex. Q, Page ID #:676–692.) That complaint reported that the ruling no court made had been used to suspend the investigation and to deprive the victim of his rights; it alleged a coordinated effort to deprive him of those rights and to dissuade him from offering evidence and testimony, invoking 18 U.S.C. §§ 241, 242, and 1519; and it told the government that he faced "a clear, present, and substantial risk of physical harm" from the enterprise he had reported. (No. 2:26-cv-09383, Dkt. 19, Ex. B.)

The next day, the Office wrote back: "We have reviewed it and the attachments. It seems to be related to two civil cases which were dismissed." (No. 2:26-cv-05207, Dkt. 9, Ex. Q, Page ID #:676.) Petitioner cites the complaint for what was reported, and when, not for adjudication of any offense. The Office has

never said that it referred the complaint, and it never addressed it. Seven months later, it called the same allegations "repeatedly rejected."

Nothing in the Crime Victims' Rights Act, the Justice Manual, or the Attorney General Guidelines permits a federal agent to report a court ruling that no court ever made, or permits the Office, once shown, to leave it uncorrected and call it immaterial. Not one provision.

None of this requires a criminal accusation, and petitioner makes none. It requires only that the Office do what the law already commands. This Notice sets out what that law is, and what the Office has done in response to it: nothing.

II. THE OFFICE WAS GIVEN NOTICE AND DID NOT RESPOND

November 1, 2026: notice under Local Rule 7-3. Petitioner wrote to Daniel A. Beck, Acting Chief of the Office's Civil Division, and AUSA Alarice M. Medrano, Chief of its Complex and Defensive Litigation Section. He told them he would file this Notice, and that it would add one point the Office had not yet addressed: federal law's requirement that allegations of this kind be reported to the Attorney General, and the Department's assignment of allegations concerning federal judges to its Public Integrity Section. (Ex. A.) He wrote:

> "I make no criminal accusation against anyone. Whether any conduct is criminal is for the Public Integrity Section and the appropriate oversight bodies to determine. The notice will cite only what the record reflects, and the standards under which those bodies would review it." (*Id.*)

He asked the Office to state its position, in writing, on the following:

> "1. Whether it has reported to the Attorney General, under 28 U.S.C. § 535(b), the allegation that DHS Supervisory Special Agent Shawn S. Gibson reported a court ruling that never existed . . . , and if so, when. 2. Whether it has referred the allegations concerning Judge Wright to the Public Integrity Section, and if so, when. 3. If either has not been

> done, the Office's position as to why these provisions do not apply." (Id.)

He asked for the Office's written response by 10:00 a.m. on Monday, November 2, 2026, so that he could report its position accurately to the Court, and told the Office that, if none came, the Notice would say so. (Id.)

November 2, 2026, 10:00 a.m.: no response. As of the filing of this Notice, the Office has not responded. No one from the Office has answered any of the three questions, acknowledged the email, or asked for more time. (Escamilla Decl. ¶ 3.)

This is not the first silence. The Office was served with, and did not respond to, petitioner's Notices of October 19, 29, and 30, 2026 (No. 2:26-cv-09383, Dkt. 44; No. 2:26-cv-09383, Dkt. 56; No. 2:26-cv-09383, Dkt. 58), or to his letters of August 16, September 14, October 12, and October 28, 2026, each described below. Petitioner makes no criminal accusation in this Notice. Whether any conduct described here is criminal is for the Public Integrity Section and the appropriate oversight bodies to determine. He sets out only what the record reflects, and the standards under which those bodies would review it.

III. WHAT THE RECORD ALREADY ESTABLISHES

Much of this record is already before the Court in petitioner's prior filings. So that any reader may find it without repetition here, petitioner identifies where each part appears and restates only what is new.

A. The fabrication, and the closed loop. The ruling DHS Agent Gibson reported, the Colorado record that refutes it, and the way the Office recast it in 2018, 2021, and 2026 are set out with boxed quotations in the October 30, 2026 Notice. (No. 2:26-cv-09383, Dkt. 58 § III, Page ID #:1971–1975.) The demonstrative summary already of record is attached as Exhibit B. (No. 2:26-cv-09383, Dkt. 44-1, Ex. C, Page ID #:1626–1631.)

B. The 2021 proceedings: a defense raised for a party that never appeared. On March 1, 2021, the victims petitioned to enforce their rights under

the Crime Victims' Rights Act. (No. 2:21-cv-01910, Dkt. 1.) The United States, through the Office, was the respondent. It was never required to answer, never appeared, and never raised a defense. (*Id.*, Dkt. 10 at 2, Page ID #:294.) The Court raised two for it:

> "On March 22, 2021 the Court issued an Order to Show Cause why this matter should not similarly be dismissed for failure to state a claim under 18 U.S.C. § 3771. Specifically Plaintiffs were ordered to show cause why the relief sought in the Complaint is not barred by issue and claim preclusion as a result of the Court's dismissal of Plaintiff's claims with prejudice in Gustavo Escamilla et al v. Department of Homeland Security, et al., 17-CV-07748-ODW (MRWx) (C.D. Cal April 4, 2018)." (*Id.* at 1, Page ID #:293.)

Consider what the order required. Nothing in the Crime Victims' Rights Act requires a victim to prove to a judge with no role in the prosecution in which his rights arose that he is a victim of it. The prosecution was fixed in the Western District of Missouri. Fed. R. Crim. P. 18; 18 U.S.C. § 3771(d)(3). And the judge had already written that prosecution into his own record three years earlier: the "extensive investigation for criminal trademark infringement," the more than $20 million recovered, and the government's agreement that Greenway "would be added as a victim in the government's case." (No. 2:17-cv-07748, Dkt. 13 at 2, Page ID #:210.)

The Court did not draw its "failure to state a claim" from anything the government filed. It drew it from a different case, decided under a different framework: a civil-rights action under 42 U.S.C. § 1983 and the Federal Tort Claims Act, in which the same judge had held that he lacked subject-matter jurisdiction over every claim. (*Id.*, Dkt. 13 at 10, 13, Page ID #:218, #:221.)

A judgment entered without jurisdiction decides nothing, and it cannot be borrowed to decide something else. When jurisdiction is absent, "the only function remaining to the court is that of announcing the fact and dismissing the cause." *Steel*

Co. v. Citizens for a Better Env't, 523 U.S. 83, 94 (1998). And the defenses the Court raised were not the Court's to raise. "Claim preclusion, like issue preclusion, is an affirmative defense," and "it is incumbent on the defendant to plead and prove such a defense." *Taylor v. Sturgell*, 553 U.S. 880, 907 (2008). **Courts "rely on the parties to frame the issues for decision" and serve as "neutral arbiter of matters the parties present."** *Greenlaw v. United States*, 554 U.S. 237, 243 (2008).

On March 29, 2021, the victims answered the order anyway. Their response showed the Court that the Office's 2018 representations were false: the sworn declaration of "no record," contradicted by the victims' May 1, 2017 complaint to DHS's Office for Civil Rights and Civil Liberties, which they attached, and the substitution of one Ryan for another. (No. 2:21-cv-01910, Dkt. 9 at 7–11, Page ID #:219–223, Ex. A.) That complaint set the ruling Agent Gibson reported, that "on August 17, 2015, a District Court found in favor of Selakovic against Greenway Nutrients," beside the Colorado court's finding that Greenway's trademark claims "were still viable" and "were not adjudicated on the merits." (*See* No. 2:17-cv-07748, Dkt. 14-1 ¶ 10, Page ID #:254; *id.*, Ex. C, Page ID #:283.)

Four days later, the Court dismissed the petition sua sponte, "[f]or the same reasons," calling the victims' account "merely speculation pulled from the ether." (No. 2:21-cv-01910, Dkt. 10 at 2, Page ID #:294.) The government had raised no defense, filed no brief, and offered no evidence. The defense was the Court's. So was the finding. And the false representations, and the fabricated ruling beneath them, went unaddressed.

> "The Complaint also fails to state a valid claim for relief under 18 U.S.C. § 3771 because it fails to (1) identify the existence of any criminal proceeding that would grant Plaintiff rights; or (2) allege facts suggesting that the underlying crimes occurred in this District. See 18 U.S.C. § 3771(d)(3)." (No. 2:21-cv-01910, Dkt. 10 at 1, Page ID #:293.)

If the crimes did not occur in this District, the Act sent the victims elsewhere, and the Court's only function was to say so. Instead, it decided that they had no rights, on a defense no party had raised.

On July 19, 2021, opposing the victims' motion to disqualify, the Office adopted the Court's defense and its finding as its own, telling the Court that the judge had "correctly noted that plaintiffs could not identify any criminal proceeding supporting their rights as victims." (No. 2:17-cv-07748, Dkt. 15 at 2–3, Page ID #:320–321.) When the victims then proved the fabrication, the Office assumed it "arguendo" and asked that the proof be struck for failure to meet and confer, a dispute the Court never resolved. (*Id.*, Dkt. 23 at 2, 5, Page ID #:750, #:753; Dkt. 24 at 14–15, Page ID #:773–774; Dkt. 25.)

These events are set out in full in the October 30, 2026 Notice (No. 2:26-cv-09383, Dkt. 58 § II), in the Complaint of Judicial Misconduct (No. 2:26-cv-09383, Dkt. 58, Ex. A, Statement of Facts at 2–4), and in the motions to disqualify (No. 2:26-cv-05207, Dkts. 16, 17, 47; No. 2:17-cv-07748, Dkt. 26 at 11–15, Page ID #:787–791). Between March and November 2021, the victims placed the fabrication before the Court five times. Not once was it reached.

C. The 2026 proceedings. On August 6, 2026, petitioner applied to have the petition taken up and decided forthwith, citing *In re Simons*, 567 F.3d 800, 801 (6th Cir. 2009). (No. 2:26-cv-05207, Dkt. 20.) There, on a crime victim's petition for mandamus, the Sixth Circuit held:

> "The unexplained, three-month passage of time without a ruling by the district court does not comply with the statute." *In re Simons*, 567 F.3d at 801.

On August 14, 2026, the application was struck, together with petitioner's Motion for Reasonable Protection, and petitioner was ordered to show cause why his petition should not be dismissed for failure to serve. (No. 2:26-cv-05207, Dkts. 35, 36.)

On August 17, he refiled and told the Court what he sought protection from: an enterprise with "a documented history of witness intimidation, bribery, and murder," whose members had been "documented tampering with the jury in the federal racketeering trial" of John Gotti. (*Id.*, Dkt. 37 at 6, Page ID #:991; *see Greenway Nutrients, Inc. v. Pierce*, No. 2:22-cv-03322, Dkt. 1-1 at 10, Page ID #:17.) He had asked the Office for that protection in writing on January 12, 2026. (No. 2:26-cv-05207, Dkt. 9, Ex. R, Page ID #:694–703.) The next day, this was the Court's answer:

> "[T]he Court STRIKES Petitioner's Notice of Filing of Emergency Petition, (Dkt. No. 39), Application to Take Up and Decide the Emergency Petition, (Dkt. No. 40), Notice of Clerical Error, (Dkt. No. 41), and Motion for Reasonable Protection Under Crime Victims' Right Act, (Dkt. No. 42). The Court warns Petitioner that any further willful noncompliance with the Court's rules and orders may result in sanctions." (No. 2:26-cv-05207, Dkt. 43, Page ID #:1122.)

On August 26, 2026, three months after the petition was assigned to him and fifty minutes after an application to disqualify him was entered, Judge Wright recused. (No. 2:26-cv-05207, Dkts. 11, 47, 49.) The petition was never decided. **Through all of it, the Office, the real party in interest, said nothing.**

D. A service objection no governing authority imposes. The Crime Victims' Rights Act provides that "[t]he district court shall take up and decide any motion asserting a victim's right ***forthwith***." 18 U.S.C. § 3771(d)(3). "In no event shall proceedings be stayed or subject to a continuance of more than five days for purposes of enforcing this chapter." *Id.* The Ninth Circuit enforces the Act's deadlines as commands: "the statute explicitly commands that its deadlines shall be met." *In re Doe*, 50 F.4th 1247 (9th Cir. 2022) (n.4). It treats a victim's petition of this kind as a motion, not an ordinary civil action. *In re Davis*, Nos. 24-3090 & 24-3092, 146 F.4th 710 (9th Cir. 2025) (as amended Aug. 1, 2025). And the duty to accord the victim his rights belongs to the government: "Officers and employees of

the Department of Justice . . . shall make their best efforts to see that crime victims are notified of, and accorded, the rights described in subsection (a)." 18 U.S.C. § 3771(c)(1). **Nothing in the Act, the Justice Manual, or the Attorney General Guidelines for Victim and Witness Assistance conditions that duty on the victim first serving the Office under Federal Rule of Civil Procedure 4(i).**

By letter dated June 2, 2026, the Office acknowledged receiving the petition on May 18, 2026, and pointed the victim to Rule 4(i). On June 19, 2026, counsel acting for the victim on a limited-scope basis advised Mr. Beck in writing that Rule 4 does not govern a motion under the Act, and offered to confer. No one responded. (No. 2:26-cv-05207, Dkt. 37, Ex. B, Page ID #:1007; Escamilla Decl. ¶ 4.) On August 16, 2026, two days after the order threatening dismissal, petitioner wrote to Mr. Beck:

> "Your office is invited to identify any provision in any of these authorities that requires a crime victim to serve, notify, meet and confer with, or exhaust remedies against the Government as a precondition to a victim's-rights enforcement action. There is none. . . . An office mandated to make its 'best efforts' to see that this victim is accorded his rights cannot watch his petition face dismissal on an inapplicable service ground and remain silent." (No. 2:26-cv-05207, Dkt. 37, Ex. B.)

The Office identified no provision, and it remained silent. In the separate petition petitioner filed on August 21, 2026, AUSA Medrano raised the same objection by letter dated September 3, 2026. (Escamilla Decl. ¶ 5.) On September 14, 2026, copying Mr. Beck, petitioner answered (No. 2:26-cv-09383, Dkt. 24, Ex. C, Page ID #:1067–1078):

> "If your office maintains that a federally identified crime victim must serve the United States Attorney's Office before the government will discharge the mandatory obligations it owes him, then cite the authority that says so — the statute, the rule, the Guideline, or the provision of the Justice Manual." (*Id.*)

No authority was ever cited. (Escamilla Decl. ¶ 5.) Two chiefs of the Office's civil sections were told, in writing, that the law imposes no service precondition on a crime victim, and were invited to show otherwise. Neither did. A duty to accord a victim his rights "forthwith" is not answered by demanding that the victim first perfect civil service on the officials who owe him those rights.

E. Every office that received it. How the same record passed through DHS, the Office under three administrations, the State Bar, and the victim's own former counsel, without correction or denial at any stage, is set out in the October 29, 2026 Notice. (No. 2:26-cv-09383, Dkt. 56 § V.)

IV. THE COMPLAINT OF JUDICIAL MISCONDUCT IS THE REFERRAL THE OFFICE NEVER MADE

On October 30, 2026, petitioner mailed a verified Complaint of Judicial Misconduct concerning the Honorable Otis D. Wright, II, to the Office of the Circuit Executive of the Ninth Circuit, and placed it on the record. (No. 2:26-cv-09383, Dkt. 58, Ex. A.) It concerns the judge's conduct, not the correctness of any ruling, and asks the Chief Judge of the Circuit for the inquiry that Rule 11(b) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings provides. (*Id.*, Statement of Facts at 5.) It reports, among other things, that Judge Wright:

- decided the rights, status, and restitution of crime victims in a matter over which he had no jurisdiction (*id.* at 1–3);
- acted, in 2021, as the advocate of a party that was never required to appear, raising for the government a defense it never raised (*id.* at 2–3);
- struck the victims' proof of falsified evidence on a meet-and-confer rule, and took no action on reliable evidence of attorney misconduct, contrary to Canon 3B(6) (*id.* at 3–4); and
- kept a case about his own conduct for three months, striking the victim's filings and threatening dismissal, until the victim named him a Respondent (*id.* at 4).

The Department of Justice has assigned allegations of that kind to one office:

> "PIN has exclusive jurisdiction over allegations of criminal misconduct on the part of federal judges." (U.S. Dep't of Justice, Criminal Division, Public Integrity Section, About the Section.)

Petitioner has never asked the Office to act against any judge, and he does not ask it now. The Office has no authority over a federal judge. But the Department's own rules do not leave allegations concerning a judge to the discretion of the employee who receives them; they **require that the allegations be sent where the Department has directed**. (Section V, *infra*.)

The Office has had these allegations since January 23, 2026. (No. 2:26-cv-09383, Dkt. 44-1, Ex. B.) It has never said that it sent them anywhere. Petitioner has therefore placed them before the bodies Congress and the Department designated to receive them himself: the Ninth Circuit, under 28 U.S.C. § 351(a), and, through this Notice, the record on which the Public Integrity Section and the Department's oversight offices may review them.

V. WHAT THE LAW REQUIRES WHEN THE DEPARTMENT RECEIVES ALLEGATIONS OF THIS KIND

Petitioner makes no criminal accusation. The provisions below state what federal law and the Department's own rules require upon receipt of allegations of the kind set out in this record. None asks the Office to agree with the allegations or to decide them. Each asks only that they be sent where the law directs.

> "Any information, allegation, matter, or complaint witnessed, discovered, or received in a department or agency of the executive branch of the Government relating to violations of Federal criminal law involving Government officers and employees **shall be expeditiously reported to the Attorney General** by the head of the department or agency, or the witness, discoverer, or recipient, as appropriate . . . ." 28 U.S.C. § 535(b).

> "Department of Justice employees have a duty to, and **shall**, report to the" Inspector General "[a]ny allegation of criminal or serious administrative misconduct on the part of a Department employee." 28 C.F.R. § 45.11(b). Allegations concerning a Department attorney's exercise of "authority to investigate, litigate or provide legal advice" must be reported to the Office of Professional Responsibility. 28 C.F.R. § 45.12.

> Allegations that "non-Department attorneys or judges have committed misconduct **shall** be reported to OPR to determine whether to refer the allegation to appropriate disciplinary authorities." "[I]ndividual Department components or employees are not authorized to make such referrals." Justice Manual § 1-4.340.

> "PIN has exclusive jurisdiction over allegations of criminal misconduct on the part of federal judges." (Public Integrity Section, About the Section.)

The Crime Victims' Rights Act adds a duty that runs to the victim himself: the Department's officers "shall make their best efforts to see that crime victims are notified of, and accorded," their rights, including "[t]he right to be reasonably protected from the accused." 18 U.S.C. § 3771(a)(1), (c)(1). And the Department's responsible officials shall arrange for a victim to receive "reasonable protection from a suspected offender and persons acting in concert with or at the behest of the suspected offender." 34 U.S.C. § 20141(c)(2).

The Attorney General Guidelines for Victim and Witness Assistance (2022 ed.), which govern Department personnel, say the same. The Department's responsibilities to crime victims **"begin as soon as possible after the detection of a crime."** (AG Guidelines art. III.B.4, at 13.) "Department personnel **shall** make

their best efforts to accord to victims the rights set forth" in the Act. (*Id.* art. III.C.4, at 14.) "[T]he responsible official of the investigative agency **shall** identify the victims of the crime," and "[t]he responsibility for identifying victims continues with the investigative agency throughout the criminal justice process." (*Id.* at 48.) The investigative agency **must** arrange "reasonable protection from a suspected offender" (*id.* at 82) and **must** use its best efforts to give victims the earliest possible notice of the status of the investigation (*id.* at 52).

The professional standards that bind the Office's attorneys. "An attorney for the Government **shall** be subject to State laws and rules, and local Federal court rules, governing attorneys in each State where such attorney engages in that attorney's duties, to the same extent and in the same manner as other attorneys in that State." 28 U.S.C. § 530B(a). This Court's rules adopt the California standards: "each attorney shall be familiar with and comply with the standards of professional conduct required of members of the State Bar of California." C.D. Cal. L.R. 83-3.1.2. Under those standards, a lawyer **shall** not "knowingly make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer." Cal. R. Prof. Conduct 3.3(a)(1). Nor may a lawyer "engage in conduct involving dishonesty, fraud, deceit, or reckless or intentional misrepresentation." *Id.* 8.4(c).

The Department's own reporting rules. "Department employees **shall** report to their supervisor any evidence or non-frivolous allegation" that a Department attorney engaged in professional misconduct, for referral to the Office of Professional Responsibility. Justice Manual § 1-4.300. Department employees "shall report to the OIG, to their appropriate supervisor," any evidence or non-frivolous allegation of serious misconduct. *Id.* § 1-4.400. And when a judge indicates "a belief that misconduct by a Department attorney has occurred," the attorney must report it. *Id.* § 1-4.310.

On December 30, 2025, petitioner sent the Office a written "Urgent Legal Notification & Demand for Mandatory Reporting," setting out these duties and enclosing his complaint to the DHS Office of Inspector General. The Office acknowledged the next day that it had "reviewed it and the attachments," characterized the matter as related to "two civil cases which were dismissed," and directed him to an online portal. (No. 2:26-cv-05207, Dkt. 9, Exs. P–Q, Page ID #:665–692; *id.*, Ex. Q, Page ID #:676.)

No provision of the Crime Victims' Rights Act, the Justice Manual, or the Attorney General Guidelines authorizes any official to rely on, carry forward, or leave uncorrected evidence shown to be false. The Supreme Court has said the opposite for ninety years. (Section IX, *infra*.)

Measured against those provisions, the record shows:

- The allegation that a DHS supervisory special agent reported a court ruling that never existed has been in the Office's hands since January 2018. (No. 2:17-cv-07748, Dkt. 1, Ex. 9.) The Office has never said it reported that allegation to the Attorney General.
- The allegations concerning Judge Wright have been in the Office's hands since January 23, 2026, and on the public record since October 30, 2026. (No. 2:26-cv-09383, Dkt. 44-1, Ex. B; No. 2:26-cv-09383, Dkt. 58, Ex. A.) The Office has never said it reported them to OPR or referred them to the Public Integrity Section, though it has been asked in writing, most recently on November 1, 2026. (Ex. A.)
- The allegations concerning the Office's own filings have been in its hands since 2021. (No. 2:17-cv-07748, Dkts. 18–24.) Asked in writing on September 14, 2026, to confirm that it had reported them, the Office gave no answer.

- The victim's requests for protection, made to the government in 2021 and to the Office in January 2026, received no response. (No. 2:21-cv-01910, Dkt. 1 ¶ 126; No. 2:26-cv-09383, Dkt. 10, Ex. B.)
- Between July and November 2021, the Office told the Court that the judge had "correctly noted" the victims had no rights, assumed the fraud "arguendo," and asked that the proof be struck on meet-and-confer grounds. It never corrected the representations the victims had shown to be false. (No. 2:17-cv-07748, Dkt. 15 at 2–3, Page ID #:320–321; Dkt. 23 at 2, 5, Page ID #:750, #:753.)

Whether any of that is criminal is not for petitioner to say, and he does not say it. It is for the Public Integrity Section and the Department's oversight offices, to which the law directs these allegations. What the record shows is that the Office has not said it sent them there.

VI. WHAT THE GOVERNING STANDARDS REQUIRE OF THE COURT

The Complaint of Judicial Misconduct rests on the standards that govern every federal judge. Petitioner sets them out here because they are the standards the Ninth Circuit will apply. He asks this Court to find nothing about any judge.

> "A judge should be faithful to, and maintain professional competence in, the law . . . ." Code of Conduct for U.S. Judges, Canon 3A(1). "A judge should accord to every person who has a legal interest in a proceeding, and that person's lawyer, the full right to be heard according to law." *Id.* Canon 3A(4). "A judge should dispose promptly of the business of the court." *Id.* Canon 3A(5).

> A judge "should take appropriate action upon receipt of reliable information indicating the likelihood . . . that a lawyer violated applicable rules of professional conduct." *Id.* Canon 3B(6). "Appropriate action may include direct communication with the judge

> or lawyer, other direct action if available, and reporting the conduct to the appropriate authorities." *Id.* cmt.

The Crime Victims' Rights Act places a duty on the court itself: "In any court proceeding involving an offense against a crime victim, the court **shall** ensure that the crime victim is afforded the rights described in subsection (a)," including "[t]he right to proceedings free from unreasonable delay" and "[t]he right to be reasonably protected from the accused." 18 U.S.C. § 3771(a)(1), (a)(7), (b)(1). The court "**shall** take up and decide any motion asserting a victim's right forthwith." *Id.* § 3771(d)(3).

A local rule "must be consistent with—but not duplicate—federal statutes and rules." Fed. R. Civ. P. 83(a)(1). And the Federal Rules give a court the means to examine counsel's factual representations on its own initiative: "On its own, the court may order an attorney, law firm, or party to show cause why conduct specifically described in the order has not violated Rule 11(b)." Fed. R. Civ. P. 11(c)(3).

Measured against those standards, the record shows:

- Between March and November 2021, the victims placed proof that the government's evidence was false before the Court five times, together with the government's own non-denial. The proof was struck twice under Local Rule 7-3, and never reached. (No. 2:26-cv-09383, Dkt. 58 § II; No. 2:17-cv-07748, Dkts. 20, 25.)
- An order to show cause issued against the victims in 2021, before the Office had appeared, requiring them to show why their petition was not precluded. No order to show cause ever issued concerning the representations the victims had shown to be false. (No. 2:21-cv-01910, Dkt. 10, Page ID #:293.)
- In 2026, the petition was held for three months and never decided. The application citing *In re Simons* was struck, and the **Motion for Reasonable Protection was struck twice.** (Section III.C, *supra*.)

- Throughout those three months, the record before the Court included the victim's December 2025 correspondence with the Office, including his demand for mandatory reporting and his complaint to the DHS Office of Inspector General. (No. 2:26-cv-05207, Dkt. 9, Exs. P–U, Page ID #:665–714 (filed May 20, 2026).)

Whether any of this constitutes misconduct is for the Chief Judge of the Circuit and the Judicial Council to decide under 28 U.S.C. §§ 351–364. Petitioner has placed it before them. He states it here only because the Office, whose filings are at the center of it, has a duty of its own to report it, and has not said that it did.

VII. WHAT THE OFFICE HAS NEVER ANSWERED

On September 30, 2026, petitioner moved to set aside the April 4, 2018 judgment for fraud on the court. (No. 2:17-cv-07748, Dkt. 28.) He served the motion on the Office with a written invitation to state its position. (*Id.* at 46, ¶ 2, Page ID #:854.) The motion documents, act by act and with record citations, how the fabrication entered this Court and how it was carried forward. The Office filed no opposition. (No. 2:17-cv-07748, Dkt. 47 at 1, Page ID #:1105.) It has never answered, on the merits, any of the following:

- **The Government's own oath.** On January 30, 2015, Agent Gibson verified under penalty of perjury a civil forfeiture complaint, signed by an Assistant United States Attorney in the Western District of Missouri, describing the "Software Slashers" investigation and the seizure of the conspirators' assets. (*United States v. $442,992.97 in U.S. Currency*, No. 15-0079-CV-W-DGK (W.D. Mo.), Dkt. 1; No. 2:26-cv-09383, Dkts. 18, 19, Ex. C; No. 2:17-cv-07748, Dkt. 28 at 19–20, Page ID #:827–828.) The same agent later reported a ruling that suspended that investigation as to Greenway. Both cannot be true.
- **A sworn declaration of "no record."** The Office's 2018 motion attached a declaration that ICE's queries "identified no electronic or hardcopy record of

any administrative tort claim" from the victims. (No. 2:17-cv-07748, Dkt. 9-1 ¶¶ 2–3, Page ID #:146–147.) The victim had filed a civil-rights complaint with DHS's Office for Civil Rights and Civil Liberties on May 1, 2017, acknowledged the next day. (*Id.*, Dkt. 14-1 ¶¶ 19–22, 25, Page ID #:256–259.) In 2021, the Office itself acknowledged "the existence of plaintiff's complaint to CRCL." (*Id.*, Dkt. 15 at 4, Page ID #:322.) The Court relied on the declaration to find it lacked jurisdiction. (*Id.*, Dkt. 13 at 11, Page ID #:219; Dkt. 28 at 21–22, Page ID #:829–830.)

- **A substituted name.** The 2018 motion told the Court the victim's evidence against Greenway's former attorney, Michael J. Ryan, was "actually rather old," because in June 2013 the victim had written to "Ryan, his ex-wife, and daughter." (*Id.*, Dkt. 9 at 18 n.11, Page ID #:139.) Those communications went to Thomas F. Ryan, a different person; the sworn exhibit offered to prove the point never mentions Michael J. Ryan. (*Id.*, Dkt. 14-1 ¶ 31, Page ID #:261.) The Court adopted the premise. (*Id.*, Dkt. 13 at 16 n.6, Page ID #:224; Dkt. 28 at 22–24, Page ID #:830–832.)
- **"Ownership in doubt," under four names.** Filed over the names of United States Attorney Hanna and three other attorneys, the 2018 motion told the Court the Colorado dismissal "leaves plaintiffs' valid ownership of Greenway's trademarks in doubt," while the Colorado docket the Office itself filed showed the opposite. (*Id.*, Dkt. 9 at 11, 22, Page ID #:132, #:143; Dkt. 9-2, Ex. 3 at 24–26, Page ID #:171–173; Dkt. 28 at 24–25, Page ID #:832–833.)
- **A decision to "resume" an investigation the Government now cannot disown.** The Office won dismissal by representing that ICE and the Western District of Missouri, "in their discretion, made the reasoned decision that they would not resume their investigation." (*Id.*, Dkt. 9 at 22, Page ID #:143; Dkt. 28 at 27–28, Page ID #:835–836.)

- **The meet-and-confer record.** In 2021, the Office's own attorney did not forward the victims' September 21, 2021 meet-and-confer request to her supervisors until October 4. (*Id.*, Dkt. 24 at 3, Page ID #:762; Dkt. 28 at 6, Page ID #:814.) The motion was then struck for failure to meet and confer. (*Id.*, Dkt. 25.)
- **The oversight official's answer.** The DHS official who reviewed the victim's complaint after speaking with Agent Gibson conceded that neither could find any record of the purported ruling, closed the complaint without reviewing the evidence, and told the victim: **"You can file anything you want to because I am not going to do anything with any of it anyway!"** (No. 2:26-cv-09383, Dkt. 19, Ex. B; No. 2:17-cv-07748, Dkt. 28 at 29, Page ID #:837.)
- **"We cannot assist you."** Told of sealed charges in the Western District of Missouri, the Office's Victim-Witness Unit searched public cases in the Central District of California, then wrote: "It does not appear that you are an identified crime victim in a federal criminal proceeding. We cannot assist you." (No. 2:26-cv-05207, Dkt. 9, Exs. P–U, Page ID #:665–714; No. 2:17-cv-07748, Dkt. 28 at 37, Page ID #:845.)
- **A jurisdictional dismissal described as a merits defeat.** On August 5, 2026, the Office called the victim's litigation "ill-fated" and described the 2018 judgment as "dismissing with prejudice" his complaint, without disclosing that the Court had dismissed for want of subject-matter jurisdiction. (*United States v. McCormick*, No. 2:20-cr-00346, ECF No. 864 at 4–5, Page ID #:11427–11428; No. 2:17-cv-07748, Dkt. 28 at 40, Page ID #:848.)
- **The danger, in the victim's sworn words.** "I have repeatedly notified the Government in writing of the documented danger I face as a witness who reported the enterprise at issue, and of specific acts of intimidation and

surveillance directed at me and my family, including an incident in which three men attempted to breach my warehouse at night using flashlights to locate me, and unmarked vehicles observed at my residence. I requested protection. Each request was met with silence or refusal." (No. 2:17-cv-07748, Dkt. 28 at 46–47, ¶ 4, Page ID #:854–855.)

Not one of these facts has been denied. The Office has said everything about the fabrication except whether it is true.

VIII. NOTICE, KNOWLEDGE, AND SILENCE: A DECADE OF DUE-PROCESS DEPRIVATIONS

The record fixes when each official was told, and what each did next:

- **April 11, 2017:** the victim reports Michael J. Ryan's role to Agent Gibson; no response. (No. 2:17-cv-07748, Dkt. 13 at 4, Page ID #:212.) **May 1, 2017:** he files with DHS's Office for Civil Rights and Civil Liberties and sends the complaint to more than twenty DHS and Justice Department officials. (*Id.*, Dkt. 14-1 ¶¶ 19–22, 25, Page ID #:256–259.)
- **January 29, 2018:** the Office files, as its own exhibit, the Colorado docket showing that ***no*** court ever ruled ***for*** Selakovic and ***against*** Greenway on Greenway's trademark claims and asks for dismissal on that ruling anyway. (*Id.*, Dkt. 9-2, Ex. 3 at 24–26, Page ID #:171–173; Dkt. 9 at 11, 22, Page ID #:132, #:143.)
- **April 24, 2020:** the victim notifies DHS of the danger he faces from the enterprise; no response. (No. 2:26-cv-05207, Dkt. 9, Ex. O, Page ID #:657–663.)
- **March–November 2021:** the fabrication is placed before the Court and the Office five times. The Office answers first with a new account, then with an assumption: "While Plaintiffs have also failed to establish a fraud on the court, assuming arguendo that once [sic] existed, it would not 'affect the

outcome of the case.'" (No. 2:17-cv-07748, Dkt. 15 at 3, Page ID #:321; Dkt. 23 at 5, Page ID #:753.)

- **June – July 2025:** the victim's complaint to the DHS Office of Inspector General sets out the fabrication and the Colorado record that refutes it, and invokes 18 U.S.C. §§ 241, 242, and 1519 as to DHS Agent Shawn Gibson and DHS official Russell Simons. DHS never responds. (No. 2:26-cv-09383, Dkt. 19, Ex. B.) Petitioner cites the complaint for what was reported, and when, not for adjudication of any offense.
- **December 18, 2025:** the First Assistant United States Attorney is notified in writing that the 2021 opposition "did NOT deny any of the specific acts of fraud." (*Id.*, Dkt. 2, Ex. P.) **January 12, 2026:** the victim requests protection. (No. 2:26-cv-05207, Dkt. 9, Ex. R, Page ID #:694–703.) **January 28 and February 5, 2026:** "We cannot assist you." (*Id.*, Exs. P–U, Page ID #:665–714.)
- **August 5, 2026:** the Office invokes the judgment against the victim before a court in which he cannot be heard. (*United States v. McCormick*, ECF No. 864 at 4–5.) **August 16 and September 14, 2026:** asked for authority and for correction; no answer. (Section III.D, *supra*.)
- **September 30 through November 1, 2026:** the Rule 60(d)(3) motion, three Notices, and the request of November 1; no opposition and no answer. (No. 2:17-cv-07748, Dkts. 28, 47; No. 2:26-cv-09383, Dkt. 44; No. 2:26-cv-09383, Dkt. 56; No. 2:26-cv-09383, Dkt. 58; Ex. A.)

Knowledge is imputed to the Office. "The prosecutor's office is an entity and as such it is the spokesman for the Government." *Giglio v. United States*, 405 U.S. 150, 154 (1972). An attorney for the government "has a duty to learn of any favorable evidence known to the others acting on the government's behalf in the case, including the police." *Kyles v. Whitley*, 514 U.S. 419, 437 (1995). The record shows how widely the fabrication was known.

The June–July 2025 complaint to the DHS Office of Inspector General was copied to the Attorney General, the Department of Justice Office of the Inspector General, and the Department's Victims' Rights Ombudsman. (No. 2:26-cv-09383, Dkt. 19, Ex. B.)

The Office received it on December 30, 2025, with the First Assistant United States Attorney copied, and acknowledged that it had "reviewed it and the attachments." (No. 2:26-cv-05207, Dkt. 9, Exs. P–Q, Page ID #:665–692; *id.*, Ex. Q, Page ID #:676.) The Colorado docket that refutes the fabrication has been in the Office's own exhibits since 2018. (No. 2:17-cv-07748, Dkt. 9-2, Ex. 3 at 24–26, Page ID #:171–173.) What one part of the government knew, the Office is charged with knowing.

Every official who suspended, carried, defended, or invoked the fabrication did so with notice that it was false, or with the record that refuted it in hand, and none corrected it. The resulting deprivation of the victim's rights, status, restitution, and due process has not been the product of oversight. On this record, it has continued with conscious disregard of, and deliberate indifference to, what those officials were told. Petitioner states this as the record reflects it, and asks the Court to find nothing about any person.

Notice of continuing due-process deprivations. Petitioner again gives the Office notice, as he has in writing since 2025, that each of these acts and each unanswered notice deprives him of due process of law under the Fifth Amendment:

> "It is a fresh deprivation of due process, and an ongoing violation of it, renewed with each notice left unanswered and each time the Judgment is invoked . . . ." (No. 2:17-cv-07748, Dkt. 26 at 11, Page ID #:787.) "Each unanswered notice is a further deprivation of due process under the Fifth Amendment: of an adjudication on a true record, of meaningful access to the courts, and of the fundamental fairness due process guarantees." (*Id.*, Dkt. 28 at 38, Page ID #:846.)

The Office has received that notice at least seven times in writing since December 18, 2025. (No. 2:26-cv-09383, Dkt. 44; No. 2:26-cv-09383, Dkt. 56; No. 2:26-cv-09383, Dkt. 58; No. 2:26-cv-05207, Dkt. 37, Ex. B; No. 2:26-cv-09383, Dkt. 24, Ex. C, Page ID #:1067–1078; No. 2:17-cv-07748, Dkt. 28; Ex. A.) It has answered none of them.

IX. THE STANDARDS: DUE PROCESS FORBIDS THE GOVERNMENT TO DEPRIVE ANYONE OF HIS RIGHTS ON FABRICATED EVIDENCE

The Supreme Court. For ninety years, the Supreme Court has held that the government may not prevail on evidence it knows to be false:

> A "deliberate deception of court and jury by the presentation of testimony known to be perjured" is "inconsistent with the rudimentary demands of justice." *Mooney v. Holohan*, 294 U.S. 103, 112 (1935) (per curiam). "The same result obtains when the State, although not soliciting false evidence, allows it to go uncorrected when it appears." *Napue v. Illinois*, 360 U.S. 264, 269 (1959).

Those cases arose in criminal trials. But the protection they describe does not belong only to the accused. "[A] cause of action is a species of property protected by the Fourteenth Amendment's Due Process Clause," and the government "may not finally destroy a property interest without first giving the putative owner an opportunity to present his claim of entitlement." *Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 428, 434 (1982). The opportunity must come "at a meaningful time and in a meaningful manner." *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) (internal quotation marks omitted). A crime victim's statutory right to "full and timely restitution as provided in law," 18 U.S.C. § 3771(a)(6), and to mandatory restitution under 18 U.S.C. § 3663A, is such an entitlement.

Access to the courts. The Supreme Court has recognized claims that official action "caused the loss or inadequate settlement of a meritorious case," and has

described such claims as concerning "specific cases that cannot now be tried (or tried with all material evidence), no matter what official action may be in the future." *Christopher v. Harbury*, 536 U.S. 403 (2002).

It has grounded the right of access in, among other sources, "the First Amendment Petition Clause" and "the Fifth Amendment Due Process Clause." *Id.* n.12. A victim whose claims were dismissed on evidence no court has examined, and whose proof was struck without being reached, has been denied that access at every stage.

The Ninth Circuit. The Ninth Circuit, sitting en banc, has held that the deliberate fabrication of evidence by government officials violates due process. *Devereaux v. Abbey*, 263 F.3d 1070, 1074–75 (9th Cir. 2001) (en banc). The rule applies in civil proceedings. *Costanich v. Dep't of Soc. & Health Servs.*, 627 F.3d 1101, 1108, 1111 (9th Cir. 2010) ("an interviewer who deliberately mischaracterizes witness statements in her investigative report . . . commits a constitutional violation"). Where the evidence of fabrication is direct, nothing more need be shown about the official's state of mind. *Spencer v. Peters*, 857 F.3d 789, 799–800 (9th Cir. 2017). And in a civil action against social workers who fabricated evidence in a child-custody proceeding, the court said:

> "[G]overnment perjury and the knowing use of false evidence are absolutely and obviously irreconcilable with the Fourteenth Amendment's guarantee of Due Process in our courts." *Hardwick v. County of Orange*, 844 F.3d 1112, 1119 (9th Cir. 2017).

Lanuza. In *Lanuza v. Love*, 899 F.3d 1019 (9th Cir. 2018), an attorney for Immigration and Customs Enforcement, the same DHS component that employed Agent Gibson, forged a single document to deprive a man of relief to which he was entitled. The Ninth Circuit held: "We see no reason to distinguish the due process rights . . . when a government attorney falsifies evidence." *Id.* at 1026.

The attorney was prosecuted under 18 U.S.C. § 242 for deprivation of rights under color of law, pleaded guilty, served thirty days, and was barred from practicing law for ten years. *Id.* at 1022–23. The government "did not take any action against Love until after this lawsuit was filed." *Id.* at 1022. The court summarized:

> "At its core, this case is about a lie, and all the ways it was used, over several years, to defraud the courts." *Id.* at 1034.

And it rejected the argument that the victim should have discovered the forgery sooner as "absurd," because the document "was provided by the government—a party normally thought to be trustworthy." *Id.* at 1034 n.11.

The measure of this record. In *Lanuza*: one forged agency form, one proceeding, one attorney, corrected once exposed. Here: a federal court ruling that no court ever made, reported by a DHS agent who had sworn under penalty of perjury that the investigation it suspended was real; carried into this Court by the Office under three administrations; recast in 2018 and again in 2021; assumed "arguendo" rather than denied; struck from the record on meet-and-confer rules; invoked against the victim in 2026 in a court where he could not answer; and never once corrected. The *Lanuza* victim was an immigrant facing removal. This one is a federally identified crime victim whom the government itself told he "may be able to recover from an established victims' fund." (No. 2:17-cv-07748, Dkt. 13 at 2, Page ID #:210.)

Fraud on the court. Fraud on the court "occurs when the misconduct harms the integrity of the judicial process," and no showing of prejudice is required. *Dixon v. Commissioner*, 316 F.3d 1041, 1046 (9th Cir. 2003). A "scheme, based on a subjective intent to commit fraud, is not required . . . . Reckless disregard for the truth is sufficient." *Demjanjuk v. Petrovsky*, 10 F.3d 338, 353 (6th Cir. 1993). A party "prevented from exhibiting fully his case, by fraud or deception practised on

him by his opponent," has been defrauded. *United States v. Throckmorton*, 98 U.S. 61, 65–66 (1878). Such fraud "cannot complacently be tolerated." *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 246 (1944).

Petitioner applies none of these standards to any person. He states them because they are the law of this Circuit and of the Supreme Court, and because the Public Integrity Section and the oversight bodies to which this record belongs would apply them.

X. SUPPLEMENTAL AUTHORITY

Petitioner submits the following authorities, stated by their holdings, as supplemental to those above. He applies none of them to any person.

A court is a neutral arbiter of the matters the parties present.

- "[W]e rely on the parties to frame the issues for decision and assign to courts the role of neutral arbiter of matters the parties present." *Greenlaw v. United States*, 554 U.S. 237, 243 (2008); *accord United States v. Sineneng-Smith*, 590 U.S. 371 (2020) (vacating a Ninth Circuit judgment that decided an appeal on a theory no party had raised).
- "[B]efore acting on its own initiative, a court must accord the parties fair notice and an opportunity to present their positions." *Day v. McDonough*, 547 U.S. 198 (2006). "[A] federal court does not have carte blanche to depart from the principle of party presentation basic to our adversary system." *Wood v. Milyard*, 566 U.S. 463 (2012).
- "Claim preclusion, like issue preclusion, is an affirmative defense," and "it is incumbent on the defendant to plead and prove such a defense." *Taylor v. Sturgell*, 553 U.S. 880, 907 (2008). Issue preclusion reaches only an issue "actually litigated and resolved in a valid court determination essential to the prior judgment." *Id.* at 892.
- "Our research failed to find a single case in which this court has upheld a dismissal for claim or issue preclusion . . . where the parties were not given

any opportunity to be heard on the issue." *Headwaters Inc. v. U.S. Forest Serv.*, 399 F.3d 1047 (9th Cir. 2005).

A victim may rely on the government's representations; the duty to set the record straight is the government's.

- "When police or prosecutors conceal significant exculpatory or impeaching material in the State's possession, it is ordinarily incumbent on the State to set the record straight." *Banks v. Dretke*, 540 U.S. 668, 675–76 (2004). "A rule thus declaring 'prosecutor may hide, defendant must seek,' is not tenable in a system constitutionally bound to accord defendants due process." *Id.* at 696. The party relying on the government "was entitled to treat the prosecutor's submissions as truthful." *Id.* at 698.

The Office speaks as one entity.

- "The prosecutor's office is an entity and as such it is the spokesman for the Government." *Giglio v. United States*, 405 U.S. 150, 154 (1972). "[W]hether the nondisclosure was a result of negligence or design, it is the responsibility of the prosecutor." *Id.* And "deliberate deception of a court and jurors by the presentation of known false evidence is incompatible with 'rudimentary demands of justice.'" *Id.* at 153.

The court's power, and the government's duty, when false evidence is shown.

- "The inherent power of a federal court to investigate whether a judgment was obtained by fraud, is beyond question." *Universal Oil Prods. Co. v. Root Ref. Co.*, 328 U.S. 575, 580 (1946). A court may "conduct an independent investigation in order to determine whether it has been the victim of fraud." *Chambers v. NASCO, Inc.*, 501 U.S. 32, 44 (1991).
- A prosecutor's duty "requires a prosecutor to act when put on notice of the real possibility of false testimony," and "[a] prosecutor cannot avoid this

obligation by refusing to search for the truth." *Commonwealth of N. Mariana Islands v. Bowie*, 243 F.3d 1109 (9th Cir. 2001).

- "We have never suggested, however, that 'flagrant misbehavior' does not embrace reckless disregard for the prosecution's constitutional obligations." *United States v. Chapman*, 524 F.3d 1073, 1085 (9th Cir. 2008). "The prosecutor's job isn't just to win, but to win fairly, staying well within the rules." *United States v. Kojayan*, 8 F.3d 1315 (9th Cir. 1993).

Victims' rights attach early, and the duty to accord them is the government's.

- "The statute was enacted to make crime victims full participants in the criminal justice system." *Kenna v. U.S. Dist. Ct.*, 435 F.3d 1011, 1016 (9th Cir. 2006). The Act "attaches before the government brings formal charges against the defendant." *Doe v. United States*, 817 F. Supp. 2d 1337, 1341 (S.D. Fla. 2011).
- "[A] party may qualify as a victim, even though it may not have been the target of the crime, . . . as long as it suffers harm as a result of the crime's commission." *In re Stewart*, 552 F.3d 1285, 1289 (11th Cir. 2008) (granting mandamus and directing that the petitioners be recognized as victims). The court expected the government's attorney "to be mindful of the obligations imposed by section 3771(c) of the statute." *Id.*
- Where prosecutors resolved a case without conferring with identified victims, the Fifth Circuit held that the victims had not been accorded "the rights conferred by the CVRA," and that "the victims have a right to inform the plea negotiation process by conferring with prosecutors before a plea agreement is reached." *In re Dean*, 527 F.3d 391 (5th Cir. 2008) (per curiam).

Restitution under the Mandatory Victims Restitution Act is mandatory, and in the full amount.

- The statute "focuses upon mandatory restitution for victims of crimes" and "seeks primarily to assure that victims of a crime receive full restitution"; a court that misses the statutory deadline "nonetheless retains the power to order restitution." *Dolan v. United States*, 560 U.S. 605 (2010).
- "The MVRA not only tolerates but requires a restitution calculation that exceeds Guidelines loss," and requires "restitution in the full amount of loss that the entire conspiracy caused." *United States v. Dadyan*, 76 F.4th 955 (9th Cir. 2023).
- A court may "identify victims other than those brought to its attention by the government," and may "allow a victim to prove up its own claim for restitution," even where "[t]he government did not ask for restitution; in fact, it objected." *United States v. Gamma Tech Indus., Inc.*, 265 F.3d 917 (9th Cir. 2001).

The concealment of a prosecution from identified victims.

- "Under the facts of this case, once the Government failed to advise the victims about its intention to enter into the NPA, a violation of the CVRA occurred." *Doe v. United States*, 359 F. Supp. 3d 1201 (S.D. Fla. 2019). The court described the government's "decision to conceal the existence of the NPA and mislead the victims to believe that federal prosecution was still a possibility." *Id.*
- In *In re Wild*, 994 F.3d 1244 (11th Cir. 2021) (en banc), the victims could not enforce their rights because no federal criminal charges were ever filed: the government entered a non-prosecution agreement, and the defendant was prosecuted in state court. *Id.* at 1247–48. Even so, the en banc court found that the victims had been "left in the dark—and, so it seems, affirmatively misled—by government attorneys," that the government's efforts "graduated from passive nondisclosure to (or at least close to) active misrepresentation," and that the facts "tell a tale of national disgrace." *Id.* Here, a federal

investigation and prosecution existed, and the government identified the victim in it. (No. 2:17-cv-07748, Dkt. 13 at 2, Page ID #:210; No. 2:26-cv-09383, Dkts. 18, 19, Ex. C.)

XI. WHY THESE FACTS BEAR ON THE PENDING MOTIONS

The obligations are mandatory. Every duty set out in this Notice is written in the language of command. Officers of the Department "shall make their best efforts" to see that crime victims are accorded their rights. 18 U.S.C. § 3771(c)(1). Allegations of this kind "shall be expeditiously reported to the Attorney General." 28 U.S.C. § 535(b). Department employees "have a duty to, and shall, report" them. 28 C.F.R. §§ 45.11(b), 45.12. Allegations concerning judges "shall be reported to OPR," and individual components "are not authorized" to decide otherwise. Justice Manual § 1-4.340. And the district court "shall take up and decide any motion asserting a victim's right forthwith." 18 U.S.C. § 3771(d)(3).

For an offense "committed by fraud or deceit," restitution is not discretionary: the court "shall order" it, 18 U.S.C. § 3663A(a)(1), (c)(1)(A)(ii), "in the full amount of each victim's losses," 18 U.S.C. § 3664(f)(1)(A), and "[n]o victim shall be required to participate in any phase of a restitution order," 18 U.S.C. § 3664(g)(1). The victim relied on the government to carry that obligation, as the statute permits. It was never carried.

The Office has not said that it discharged any of them. It has been asked, in writing, five times since August 16, 2026. (Sections II, III.D, VIII, *supra*.) It has not identified the authority it says requires a victim to serve it. It has not said whether it reported the fabricated ruling, its own 2018 and 2021 filings, or the allegations concerning the judge before whom it prevailed. It has not answered the victim's requests for protection. It has not corrected the record.

The Motion to Disqualify. The allegations the Office has not reported concern its own filings and the judge whose orders it continues to defend. An office

that will not say whether it has discharged mandatory duties concerning its own conduct cannot neutrally represent the United States in proceedings that turn on that conduct. That is a further ground for the relief sought in the pending Motion to Disqualify. (Dkt. 36.)

The Rule 60(d)(3) Motion. The motion asks whether the April 4, 2018 judgment was procured by fraud on the court. (No. 2:17-cv-07748, Dkt. 28.) The Office filed no opposition. (*Id.*, Dkt. 47 at 1, Page ID #:1105.) It has never denied the ruling no court made, the "no record" declaration, the substituted name, or "ownership in doubt." (Section VII, *supra*.)

In 2021 it assumed the fraud "arguendo"; in 2026 it invoked the judgment against the victim while stating that it "does not address [the allegations] here in substance." (*United States v. McCormick*, ECF No. 864 at 5, Page ID #:11428.) Each fact set out in the motion stands unanswered. Where evidence the government relied on is shown to be false, "it is ordinarily incumbent on the State to set the record straight." *Banks v. Dretke*, 540 U.S. 668, 675–76 (2004). And "[t]he inherent power of a federal court to investigate whether a judgment was obtained by fraud, is beyond question." *Universal Oil Prods. Co. v. Root Ref. Co.*, 328 U.S. 575, 580 (1946). The Office has not set the record straight. The question is now the Court's.

XII. RESERVATION OF RIGHTS

Nothing in this Notice waives or limits any right, claim, objection, or position Petitioner holds in No. 2:17-cv-07748-AB, No. 2:26-cv-09383-AB, or No. 2:26-cv-05207-AB-Ex, including his rights under the Crime Victims' Rights Act, 18 U.S.C. § 3771, his rights and claims, and those of Greenway Nutrients, Inc., under the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2671–2680, his rights under article I, section 28 of the California Constitution, and his right to mandatory restitution under 18 U.S.C. §§ 3663A and 3664. Petitioner will supplement the record with any response the Office provides.

DATED: November 2, 2026.

Respectfully submitted,



GUSTAVO ESCAMILLA
1315 Highland Avenue
Glendale, California 91202
(818) 355-0062
gescamilla@ymail.com
Petitioner in Pro Se

DECLARATION OF GUSTAVO ESCAMILLA

I, Gustavo Escamilla, declare:

1. I am the Petitioner in this proceeding, appearing in pro se. I am the President of Greenway Nutrients, Inc. I have personal knowledge of the facts stated in this declaration and, if called as a witness, could and would testify competently to them.
2. On November 1, 2026, at 9:33 a.m., I sent the email attached as Exhibit A from my account, gescamilla@ymail.com, to Daniel A. Beck (daniel.beck@usdoj.gov) and AUSA Alarice M. Medrano (alarice.medrano@usdoj.gov). Exhibit A is a true and correct copy of that email.
3. As of the time I signed this declaration, I have received no response to my November 1, 2026 email from Mr. Beck, Ms. Medrano, or anyone else at the United States Attorney's Office for the Central District of California.
4. On August 16, 2026, I sent the letter filed as Exhibit B to my August 17, 2026 filing in No. 2:26-cv-05207 (Dkt. 37) to Mr. Beck by email and U.S. Mail. Before that letter, the Office had acknowledged receipt of my petition by letter dated June 2, 2026, and counsel acting on my behalf on a limited-scope basis had written to Mr. Beck on June 19, 2026, and offered to confer. I have never received a response to the June 19, 2026 communication or to my August 16, 2026 letter.
5. I received Ms. Medrano's letter dated September 3, 2026, on September 11, 2026, in an envelope bearing a Department of Justice metered postmark of September 9, 2026. On September 14, 2026, I responded by letter to Ms. Medrano, copying Mr. Beck, by email and U.S. Mail. I have never received a response to that letter. No one from the Office has ever identified to me any statute, rule, Guideline, or provision of the Justice Manual requiring a crime victim to serve the Office before his rights are accorded, or confirmed that

any allegation I reported was referred to the Office of Professional Responsibility, the Office of the Inspector General, or the Public Integrity Section.

6. Attached as Exhibit B is a true and correct copy of the demonstrative summary I filed on October 19, 2026, as it appears on the docket at No. 2:26-cv-09383-AB, Dkt. 44-1, Ex. C, Page ID #:1626–1631.

7. On January 12, 2026, I requested reasonable protection in writing from the Office's Supervisory Victim-Witness Coordinator, copying the First Assistant United States Attorney. I have never been provided any protection in response to that request.

8. Attached as Exhibit C are true and correct copies of the business cards that DHS Supervisory Special Agent Shawn S. Gibson and Special Agent Carlos I. Suarez of Homeland Security Investigations, Kansas City, gave me at our recorded, face-to-face meeting in Burbank, California, on March 3, 2015.

9. Nothing in this declaration is made on behalf of any other party, and nothing in it asks any court to review any charging or prosecutorial decision.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on November 2, 2026, at Glendale, California.

DATED: November 2, 2026.

GUSTAVO ESCAMILLA
1315 Highland Avenue
Glendale, California 91202
(818) 355-0062
gescamilla@ymail.com
Petitioner in Pro Se

CERTIFICATE OF COMPLIANCE (L.R. 11-6.2)

The undersigned, Petitioner in pro se, certifies that this Notice contains 10,121 words, exclusive of the caption, tables of contents and authorities, signature block, declaration, exhibits, and this certificate. To the extent the 7,000-word limit of L.R. 11-6.1 applies to a notice of supplemental facts, Petitioner respectfully requests leave to exceed it. The Notice consolidates, in one filing, the record of the Office's continued non-response across three related proceedings, much of which it identifies by cross-reference rather than repeats. The Government has had every fact in it for months, and many for years; nothing in it is new to the Government, and the Government suffers no prejudice. Petitioner appears in pro se, and the victims have waited nearly a decade for these facts to be addressed.

DATED: November 2, 2026.



GUSTAVO ESCAMILLA
1315 Highland Avenue
Glendale, California 91202
(818) 355-0062
gescamilla@ymail.com
Petitioner in Pro Se

CERTIFICATE OF COMPLIANCE WITH THE COURT'S GENERATIVE ARTIFICIAL INTELLIGENCE ORDER

The undersigned certifies the following regarding the use of generative artificial intelligence in the preparation of this filing:

_X_ This filing USES generative artificial intelligence.

____ This filing DOES NOT use generative artificial intelligence.

Petitioner used a generative artificial intelligence tool to assist in drafting portions of this filing. Petitioner has reviewed and revised the content, has verified the legal citations and the factual assertions to the best of his ability, and adopts the filing as his own. The positions and representations set forth herein are made in good faith and in compliance with Federal Rule of Civil Procedure 11.

DATED: November 2, 2026.

GUSTAVO ESCAMILLA
1315 Highland Avenue
Glendale, California 91202
(818) 355-0062
gescamilla@ymail.com
Petitioner in Pro Se

EXHIBIT A

Email of November 1, 2026, to Daniel A. Beck and AUSA Alarice M. Medrano
(Notice under Local Rule 7-3)

Notice Under Local Rule 7-3: Emergency Notice of Supplemental Facts, Nos. 2:26-cv-09383-AB and 2:17-cv-07748-AB (Response Requested by 10:00 a.m., Monday, November 2, 2026)

From: Gustavo (gescamilla@ymail.com)

To: daniel.beck@usdoj.gov; alarice.medrano@usdoj.gov

[redacted]

Date: Sunday, November 1, 2026 at 09:33 AM PST

Dear Mr. Beck and Ms. Medrano:

I am a federally identified crime victim appearing in pro se. Pursuant to Local Rule 7-3, and in the exercise of my rights under the Crime Victims' Rights Act, 18 U.S.C. § 3771, I write to give the Office notice of a filing and to ask for its written position on one issue.

On Monday, November 2, 2026, I intend to file an Emergency Notice of Supplemental Facts in Escamilla v. United States, No. 2:26-cv-09383-AB, in support of my pending Motion to Disqualify the United States Attorney's Office (Dkt. 36), and in Escamilla v. Department of Homeland Security, No. 2:17-cv-07748-AB, in support of my pending Motion to Disqualify (Dkt. 37) and my pending Rule 60(d)(3) Motion (Dkt. 28).

The Notice will add one point the Office has not yet addressed: federal law's requirement that allegations of this kind be reported to the Attorney General, and the Department's assignment of allegations concerning federal judges to its Public Integrity Section. The provisions are:

- 28 U.S.C. § 535(b), which provides that any allegation "relating to violations of Federal criminal law involving Government officers and employees shall be expeditiously reported to the Attorney General."
- 28 C.F.R. §§ 45.11 and 45.12, which require Department employees to report allegations of misconduct by Department employees and attorneys to the Office of the Inspector General and the Office of Professional Responsibility.
- Justice Manual § 1-4.340, which provides that allegations of misconduct by judges shall be reported to the Office of Professional Responsibility, and that individual components and employees "are not authorized to make such referrals."
- The Department's assignment of allegations of criminal misconduct by federal judges to the Public Integrity Section, which "has exclusive jurisdiction over allegations of criminal misconduct on the part of federal judges."

I make no criminal accusation against anyone. Whether any conduct is criminal is for the Public Integrity Section and the appropriate oversight bodies to determine. The notice will cite only what the record reflects, and the standards under which those bodies would review it.

I respectfully ask the Office to state its position, in writing, on the following:

1. Whether it has reported to the Attorney General, under 28 U.S.C. § 535(b), the allegation that DHS Supervisory Special Agent Shawn S. Gibson reported a court ruling that never existed, which the Office later relied on before the Court, and if so, when.
2. Whether it has referred the allegations concerning Judge Wright to the Public Integrity Section, and if so, when.
3. If either has not been done, the Office's position as to why these provisions do not apply.

I would be grateful for the Office's written response by 10:00 a.m. on Monday, November 2, 2026, so that I can report its position accurately to the Court. If I have not received a response by then, the Notice will say so, and I will promptly supplement the record with any response the Office later provides.

Thank you for your attention to this matter.

Respectfully,

Gustavo Escamilla
Federally Identified Crime Victim
Petitioner and Plaintiff in Pro Se
1315 Highland Avenue
Glendale, California 91202
(818) 355-0062
gescamilla@ymail.com

NOTICE AND RESERVATION OF RIGHTS: This communication is sent by a federally identified crime victim appearing in pro se, in the exercise of his rights under the Crime Victims' Rights Act, 18 U.S.C. § 3771. It is sent pursuant to Local Rule 7-3 as written notice to the Office and may be filed with the Court as a record of that notice. It is not a criminal accusation against any person; whether any conduct is criminal is for the Public Integrity Section and the appropriate oversight bodies to determine. Nothing in this communication waives any right, claim, objection, or privilege, including any right under the Crime Victims' Rights Act; the Mandatory Victims Restitution Act, 18 U.S.C. §§ 3663A and 3664; article I, section 28 of the California Constitution; or the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2671–2680.

EXHIBIT B

Demonstrative summary, "One Fabrication. One Courtroom. Three Administrations." (as filed October 19, 2026, No. 2:26-cv-09383-AB, Dkt. 44-1, Ex. C, Page ID #:1626–1631)

Exhibit C

One Fabrication. One Courtroom. Three Administrations.
Demonstrative summary of record citations (2016–2026), prepared by Petitioner

One Fabrication. One Courtroom. Three Administrations.

How a fabricated court ruling passed through the U.S. Attorney's Office and before Judge Otis D. Wright II — and what it cost a federally identified crime victim (2016–2026)

EXHIBIT C

Demonstrative summary of record citations
No. 2:25-cv-09383-AB · No. 2:17-cv-07749

THE RECORD, 2016–2021

DHS / the Office · Judge Wright · Victim's notice — and the answer · Ninth Circuit · ▼ each event leads to the next

Oct. 28 & Nov. 21, 2016 · DHS SSA Shawn S. Gibson

From his government email: a court "found in favor of Selakovic against Greenway Nutrients in regards to the assertion of the Greenway trademark." **No court ever so ruled.** Investigation suspended as to Greenway. 07746 Dkt. 1, Exs. 9–10; 09383 Dkt. 2, Ex. D

▼

Jan. 29, 2018 · Office under U.S. Attorney Nicola T. Hanna

Ownership "in doubt"; Ramey declaration of no complaint; "rather old" via a false "Ryan" substitution. Its own exhibit disproves the ruling. Dkts. 9, 9-1, 9-2

▼

Apr. 4, 2018 · Judge Wright

Dismisses on "the negative judgment in the Colorado action," the Ramey declaration, and June 2013 "knowledge" — for lack of jurisdiction. No merits. Dkt. 13 at 11, 13, 16 n.8

continued in next column ▶

Mar. 22 – Apr. 2, 2021 · Judge Wright

Before the Office appears, orders the victims to prove they are victims and that a jurisdictional dismissal does not preclude them. Four days after proof of fabrication: dismisses sua sponte without addressing it; calls his belief in a secret plea agreement "speculation pulled from the ether"; relies on an "earlier determination" that never existed. 01910 Dkts. 8, 10

▼

July 19, 2021 · Office under Acting U.S. Attorney Tracy L. Wilkison

Recast: suit "did not reach a judgment on the merits" — and Judge Wright's orders "entirely consistent." Dkt. 15 at 2–3

▼

Oct. 18–25, 2021 · Office under Acting U.S. Attorney Wilkison

Faced with a motion to set aside the Judgment for fraud on the court, the Office **denies none** of the documented instances of professional misconduct — including that Wilkison herself received the complaint Ramey swore did not exist — that stripped the victims of their rights, status, and restitution, and that it knew, or had every means to know, about. It assumes the fraud *"arguendo"* and calls it harmless — contrary to the Attorney General Guidelines for Victim and Witness Assistance and the Justice Manual that govern its conduct. Dkt. 22 ¶¶ 80, 89–91; Dkt. 23 at 5; 09383 Dkt. 24, Ex. D; JM §§ 1-4.300, 1-4.340

▼ continued on page 2

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One Fabrication. One Courtroom. Three Administrations. (continued)

How a fabricated court ruling passed through the U.S. Attorney's Office and before Judge Otis D. Wright II — and what it cost a federally identified crime victim (2016–2026)

EXHIBIT C

Demonstrative summary of record citations
No. 2:26-cv-09383-AB · No. 2:17-cv-07748

THE RECORD, 2021–2026

DHS / the Office · Judge Wright · Victim's notice — and the answer · Ninth Circuit · ▼ each event leads to the next

Nov. 9, 2021 · Judge Wright

Hours after State Bar complaints, strikes the motion on Local Rules 7-3 and 11-6. No word on substance. No referral. Dkt. 25; 05207 Dkt. 21 ¶¶ 2, 5, 9

▼

Mar. 24, 2022 · *Ninth Circuit (pre-Davis)*

Affirms on law of the case; the wrongdoing "occurred in a different action" — 07748, where it was struck, not decided.

No. 22-55417

▼

Dec. 18, 2025 – Feb. 5, 2026 · First Assistant Bilal A. Essayli · Victim-Witness

Four written requests in seven weeks, incl. Jan. 23 report of attorney and judicial misconduct. Answer: *"We cannot assist you."* 09383 Dkt. 2-1, Exs. F–T; Ex. S

continued in next column ▶

May–Aug. 2026 · Judge Wright

Petition routed to him; § 5.2 referral apparently never processed; forthwith and protection applications struck, with no chance to cure, hours after recusal denied; dismissal threatened, then sanctions; recuses 50 minutes after disqualification application entered. 05207 Dkts. 11, 35, 38, 43, 45, 48

▼

Aug. 5, 2026 · Office under Essayli · AUSAs Castañeda, Alexander, Seiden

The victim becomes an *"uncle"*; his *"ill-fated"* claims *"involve broad allegations of government misconduct that courts have repeatedly rejected"* — yet *"the government does not address them here in substance."* ECF No. 884 at 4–5

▼

Oct. 12–16, 2026 · Acting Civil Chief Beck · AUSA Medrano

Nine written questions about what the Office did with the report. **No answer.** Ex. A

▼ page 3: the closed loop · page 4: *Lanuza* · page 5: the cost

Case 2:26-cv-09383-AB Document 60 Filed 11/02/26 Page 59 of 55 Page ID #:1023

One Fabrication. One Courtroom. Three Administrations. (continued)

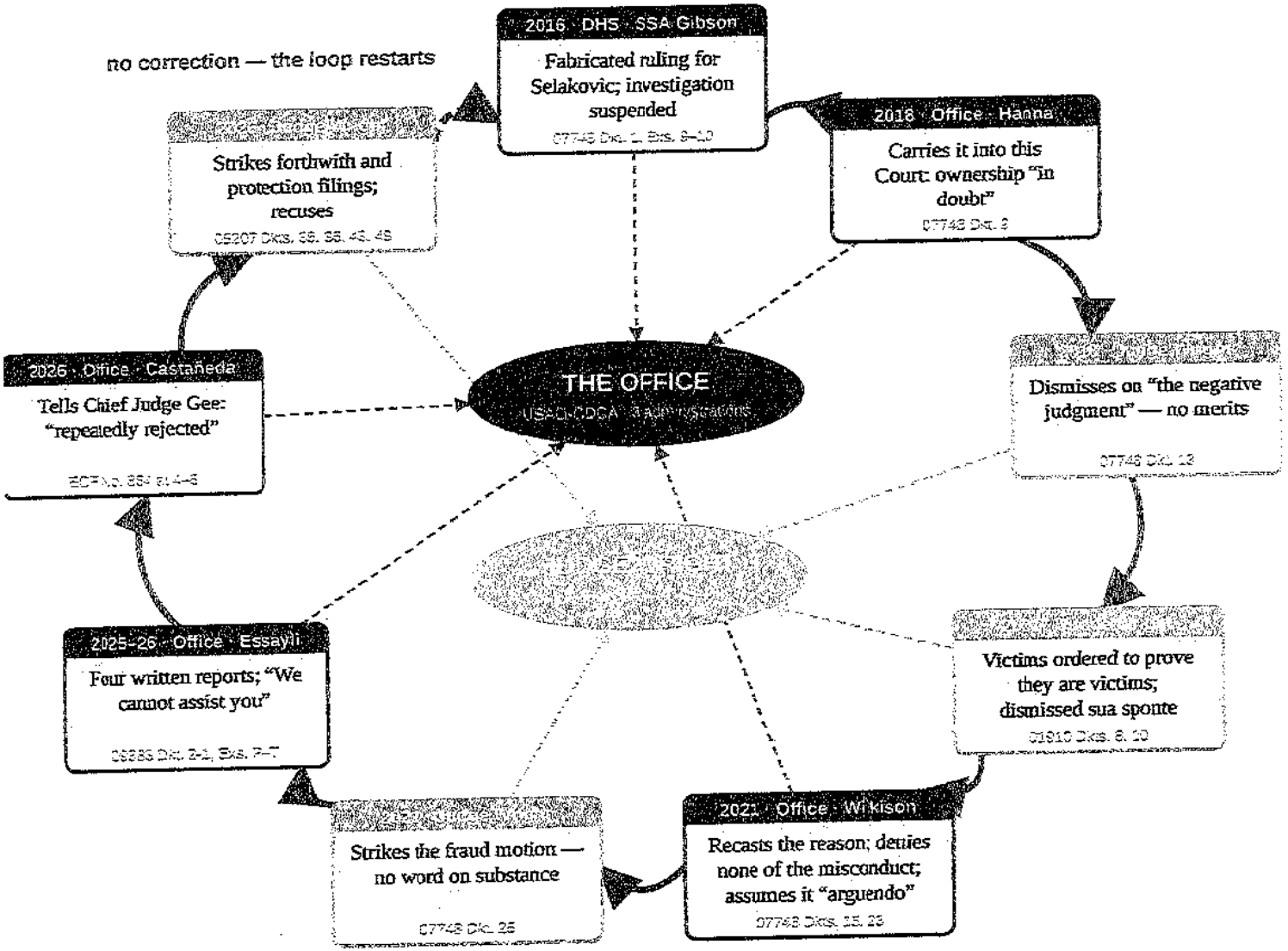
How a fabricated court ruling passed through the U.S. Attorney's Office and before Judge Otis D. Wright II — and what it cost a federally identified crime victim (2016–2026)

EXHIBIT C

Demonstrative summary of record citations
No. 2:26-cv-09383-AB · No. 2:17-cv-07748

THE CLOSED LOOP

Every path runs through the same Office and the same courtroom. Red arrows: the sequence, 2016–2026. Dashed arrows: who acted.



One Fabrication. One Courtroom. Three Administrations. (continued)

How a fabricated court ruling passed through the U.S. Attorney's Office and before Judge Otis D. Wright II — and what it cost a federally identified crime victim (2016–2026)

EXHIBIT C

Demonstrative summary of record citations
No. 2:26-cv-09383-AB · No. 2:17-cv-07742

LANUZA V. LOVE, 899 F.3D 1019 (9TH CIR. 2018)

	Lanuza v. Love	This record
False evidence	One forged document	A federal court ruling that never existed
Carried by	One ICE attorney	Three administrations of the same Office
Where	One proceeding	Four federal dockets
Duration	"Over several years"	Nearly ten years
Effect	Relief "to which he was otherwise lawfully entitled" denied	Victim rights, status, and restitution denied; investigation suspended
Consequence	§ 242 prosecution; 30 days; 10-year bar (at 1022–23)	Fraud assumed "arguendo"; called "repeatedly rejected"; not one correction

THE NINTH CIRCUIT.

"At its core, this case is about a lie, and all the ways it was used, over several years, to defraud the courts." "Failing to provide a narrow remedy for such an egregious constitutional violation would tempt others to do the same." *Lanuza*, 899 F.3d at 1034.

JUDGE WRIGHT'S OWN STANDARD (2013).

"The needs of the many outweigh the needs of the few." For one forged signature by private attorneys: "a forgery is still a forgery" — referred to their bars, the IRS, and the U.S. Attorney for this District. *Ingenuity 13 LLC v. Doe*, No. 2:12-cv-08333-ODW, ECF No. 130 at 8, 10–11.

KNOWLEDGE.

"The prosecutor's office is an entity and as such it is the spokesman for the Government." *Giglio v. United States*, 405 U.S. 150, 154 (1972); *Kyles v. Whitley*, 514 U.S. 419, 437 (1995). Hanna → Wilkison → Essayli, each supervising AUSA Castañeda. The knowledge did not reset. It accumulated.

Case 2:26-cv-09383-AB Document 60 Filed 11/02/26 Page 52 of 55 Page ID #:1630
Case 2:26-cv-09383-AB Document 44-2 Filed 10/19/26 Page 25 of 26 Page ID #:1059

One Fabrication. One Courtroom. Three Administrations. (continued)

How a fabricated court ruling passed through the U.S. Attorney's Office and before Judge Otis D. Wright II — and what it cost a federally identified crime victim (2016–2026)

EXHIBIT C

Demonstrative summary of record citations
No. 2:26-cv-09383-AB · No. 2:17-cv-07748

THE COST TO THE VICTIM

Rights

None accorded in ten years. 18 U.S.C. § 3771(a), (c)(1).

Status

Lead Victim in 2015; an "uncle" in 2026.

Restitution

The government itself told the victim he could recover from "an established victims' fund" (Dkt. 13 at 2). Nothing has been paid. The Office now calls his petitions seeking it *"ill-fated"* (ECF No. 864 at 4–5) — restitution Congress made mandatory for offenses committed by fraud or deceit, 18 U.S.C. § 3663A(c)(1)(A)(ii), and that the Ninth Circuit confirmed a victim may pursue in the district court. *In re Davis*, 146 F.4th 710 (9th Cir. 2025).

Due process

No court has ever reached the fabrication on the merits. Petitioner has asserted that multiple officials within the Office acted with deliberate indifference and conscious disregard of his rights (09383 Dkt. 15 at 27–29, Page ID #:726–728; 05207 Dkt. 50 at 27–30, Page ID #:1264–1267) and that Judge Wright's April 2, 2021 order was an act not judicial in nature (09383 Dkt. 18 at 20, Page ID #:860).

Prepared by Petitioner as a demonstrative summary of record citations set out in the accompanying Notice and Application; it adds no new facts. Unless noted, docket cites are to No. 2:17-cv-07748. Other cites: No. 2:21-cv-01910; No. 2:26-cv-05207; No. 2:26-cv-09383-AB; *Escamilla v. United States*, No. 21-55417, 2022 WL 874647 (9th Cir. Mar. 24, 2022); *United States v. McCormick*, No. 2:20-cr-00346-DMG, ECF No. 864 (cited only for what the Office said about Petitioner's own claims; Petitioner is not a party to that case). Characterizations of knowledge reflect Petitioner's position. Petitioner requests no finding concerning Judge Wright.

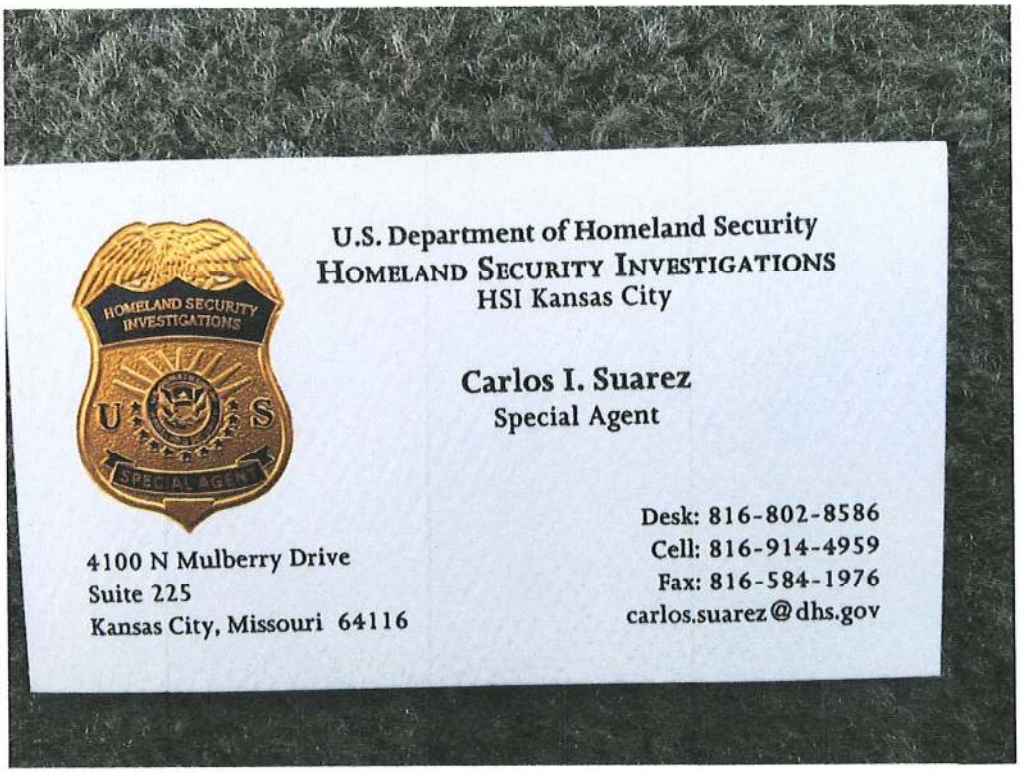
Case 2:26-cv-09383-AB Document 60 Filed 11/02/26 Page 53 of 55 Page ID #:1631
Case 2:26-cv-09383-AB Document 44-3 Filed 10/19/26 Page 26 of 26 Page ID #:1631

EXHIBIT C

Business cards of DHS Supervisory Special Agent Shawn S. Gibson and Special Agent Carlos I. Suarez, Homeland Security Investigations, Kansas City



Business card of DHS Supervisory Special Agent Shawn S. Gibson, Homeland Security Investigations, Kansas City, Missouri.



Business card of DHS Special Agent Carlos I. Suarez, Homeland Security Investigations (HSI Kansas City), Kansas City, Missouri.