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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. CV26-9383-HDV

VICTIMS' EMERGENCY PETITION FOR ENFORCEMENT OF THE CRIME VICTIMS' RIGHTS ACT, 18 U.S.C. § 3771, AND FOR RELIEF UNDER THE MANDATORY VICTIMS' RESTITUTION ACT, 18 U.S.C. §§ 3663A AND 3664

[CRIME VICTIMS' RIGHTS ACT, 18 U.S.C. § 3771(d)(3) — TO BE DECIDED FORTHWITH]

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I. PARTIES, JURISDICTION, AND VENUE

Petitioner Gustavo Escamilla is an adult residing within the Central District of California, and is the primary owner, formulator, and developer of the products of his company, Greenway Nutrients, Inc. ("Greenway"). Petitioner and Greenway were proximately harmed by, and are the victims of, federal crimes committed by David Dragan Selakovic, Steven Blackburn, and corporate entities controlled by them (collectively, the "Selakovic Defendants").

The offenses committed against Petitioner — including counterfeit-trademark trafficking, mail and wire fraud under 18 U.S.C. § 1343, and related offenses — were investigated by the United States Department of Homeland Security and prosecuted by the United States Department of Justice in the Western District of Missouri, in *United States v. Ross*, No. 4:15-cr-00196-DGK, as part of the federal criminal enforcement action known as Operation Software Slashers. Petitioner's status as the federally identified Lead Victim of that operation arises from that prosecution.

The Crime Victims' Rights Act fixes where a victim's rights are asserted. It provides that such rights "shall be asserted in the district court in which a defendant is being prosecuted for the crime, or, if no prosecution is underway, in the district court in the district in which the crime occurred," and 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).

Respondent United States of America, through the United States Department of Justice and the United States Attorney's Office for the Central District of California, is the real party in interest and the entity on which the Crime Victims' Rights Act imposes affirmative duties toward crime victims under 18 U.S.C. § 3771(c).

Respondent Otis D. Wright, II, is a United States District Judge for the Central District of California. He is named in his official capacity only. Petitioner seeks no damages against him, and no relief against him personally.

This Court has jurisdiction under 18 U.S.C. § 3771(d)(3), which provides that a victim's rights "shall be asserted in the district court in which a defendant is being prosecuted for the crime, or if no prosecution is underway, in the district court in the district in which the crime occurred," and that "[t]he district court shall take up and decide any motion asserting a victim's right forthwith." Jurisdiction further arises under the Mandatory Victims Restitution Act, 18 U.S.C. §§ 3663, 3664, and 3664(d)(5).

The federal prosecution underlying Petitioner's victim status — Operation Software Slashers — was investigated and prosecuted in the Western District of Missouri, where Federal Rule of Criminal Procedure 18 fixed it. Fed. R. Crim. P.

18 (prosecution of a federal offense "in a district where the offense was committed"). Respondent Wright had no presiding role in that prosecution, no involvement in it, and entered no order in it. He had no authority to rule on Petitioner's rights, status, or restitution arising from that prosecution — in any way, in any capacity. Those questions have never been decided, and the grounds establishing that no prior ruling forecloses them are set forth in full below.

The Crime Victims' Rights Act vests this Court with jurisdiction. Section 3771(d)(3) provides that a victim's rights "shall be asserted in the district court in which a defendant is being prosecuted for the crime or, if no prosecution is underway, in the district court in the district in which the crime occurred," and 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). The word "shall" is non-discretionary. *Kenna v. U.S. Dist. Court for C.D. Cal.*, 435 F.3d 1011, 1013 (9th Cir. 2006). The predicate federal offenses against Petitioner and Greenway — trademark counterfeiting, wire fraud under 18 U.S.C. § 1343, securities and commodities fraud under 18 U.S.C. § 1348, embezzlement, and theft of trade secrets — caused harm within the Central District of California, where Petitioner resides and Greenway is located, fixing venue in this Court.

Controlling Ninth Circuit authority, decided after the prior proceedings, confirms both this Court's jurisdiction and Petitioner's independent entitlement to

mandatory restitution relief. In *In re Davis*, 146 F.4th 710 (9th Cir. 2025) (as amended Aug. 1, 2025), the Ninth Circuit held that § 3771(d)(3)'s "no prosecution is underway" clause independently authorizes crime victims to assert CVRA rights after a prosecution has concluded, in the district where the crime occurred; that the word "any" in § 3771(d)(3)'s forthwith mandate is "broad and all-encompassing," see *Olympic Forest Coal. v. Coast Seafoods Co.*, 884 F.3d 901, 906 (9th Cir. 2018); and that § 3771(d)(5)'s procedural limitations do not bar post-judgment restitution petitions brought under 18 U.S.C. § 3664(d)(5). This authority was decided June 2, 2025 — it was not available at the time of any prior proceeding in this matter.

The Mandatory Victims Restitution Act supplies the substantive obligation that this jurisdiction enforces. Because the offenses committed against Greenway are offenses committed by fraud or deceit within the meaning of 18 U.S.C. § 3663A(c)(1)(A)(ii), restitution was mandatory, not discretionary; 18 U.S.C. § 3664(d)(1) imposed a mandatory duty on the government to consult the identified victim before any restitution determination; and 18 U.S.C. § 3664(g)(1) provides that "[n]o victim shall be required to participate in any phase of a restitution order," codifying Petitioner's entitlement to rely on the government to discharge the restitution process on his behalf. Neither the mandatory-restitution obligation nor the mandatory consultation duty was ever discharged as to Petitioner. This Court

has jurisdiction under § 3771(d)(3) to enforce those unfulfilled obligations forthwith.

II. JUDICIAL IMMUNITY DOES NOT BAR THIS PETITION

This Petition seeks **no** damages, and that single fact resolves the immunity question before it is asked.

Judicial immunity is, and has always been, a defense to suits for money damages against a judge in his personal capacity. It exists for one reason: to keep judges free to decide cases "without apprehension of personal consequences." *Mireles v. Waco*, 502 U.S. 9, 10 (1991). Where no personal consequence is sought, the doctrine has nothing to protect. Petitioner seeks no award against Respondent Wright, no sum payable by him, and no finding of liability against him. He seeks a declaration of what the Crime Victims' Rights Act requires, and an order that its requirements be honored going forward. That is relief the doctrine was never written to bar. *Pulliam v. Allen*, 466 U.S. 522, 541–42 (1984) (judicial immunity is no bar to prospective declaratory or injunctive relief against a judicial officer acting in a judicial capacity). The inquiry can begin and end there.

The reason lies in the nature of this action. This is not a suit against a judge; it is a statutory enforcement petition against the United States, in which the Crime Victims' Rights Act itself designates the district court as the tribunal to act and the court of appeals as the body to compel it. The Act commands that a victim's

motion be asserted "in the district court," that the court "take up and decide" it "forthwith," and that "[i]f the district court denies the relief sought, the movant may petition the court of appeals for a writ of mandamus." 18 U.S.C. § 3771(d)(3). The statute enforces itself not through damages against a judge, but through an order directing the court — and it expressly forecloses "a cause of action for damages." 18 U.S.C. § 3771(d)(6).

That is precisely how the Ninth Circuit proceeded in ***Kenna v. U.S. District Court for the Central District of California***, 435 F.3d 1011 (9th Cir. 2006), where the district court itself was the named respondent and was directed by mandamus to accord the victim his rights — with ***no*** immunity question raised or possible, because none arises when the relief sought is an order to the court rather than damages against the judge. A doctrine that shields judges from personal liability has nothing to bar in a statutory scheme that authorizes no liability and enforces itself by directing the court to act.

It is worth stating plainly what this Petition does not do, because immunity guards against precisely what is absent here. It does not seek to punish a judge for a ruling. It does not seek damages, costs, or fees against him. It does not ask that any judgment be executed against him, or that he answers personally for anything.

It asks that a statute be enforced — that a federally identified crime victim be accorded, prospectively, the rights Congress made mandatory. A declaration

that those rights survive imposes no liability on anyone. It vindicates an Act of Congress; it does not sanction the officer who overlooked it.

Were the Court to look further — and it need not — the immunity would still not attach, because the conduct at the center of this Petition was not judicial in nature. The Supreme Court has fixed the test: whether an act is "judicial" turns on "the nature of the act itself," that is, "whether it is a function normally performed by a judge," and on whether the parties "dealt with the judge in his judicial capacity." *Stump v. Sparkman*, 435 U.S. 349, 362 (1978). And *Stump* draws the very line this record sits across. A judge who commits legal error within a case before him acts in excess of his authority and remains immune; but a judge who reaches a matter over which he holds no authority at all does not. Id. at 357 n.7 (a criminal-court judge who convicts of a nonexistent crime acts in excess of jurisdiction, "whereas a probate court judge would not be immune for trying a criminal case, an act for which the probate judge clearly lacked all subject matter jurisdiction").

This case is the second half of that example, not the first. The dismissal was one thing; a court may dismiss a case before it. But the pronouncement on which the dismissal rested — a declaration that a documented federal criminal prosecution was "speculation pulled from the ether" — was a determination about a prosecution that was never this Court's to decide.

That prosecution was Operation Software Slashers: a federal criminal enforcement action the Government brought in the Western District of Missouri, naming Adobe Systems, Microsoft Corporation, and Greenway among its victims.

Federal Rule of Criminal Procedure 18 fixes the prosecution of a federal offense in the district where it was committed; that district was Missouri, and never the Central District of California. This Court entered no order in that prosecution, presided over no stage of it, and was never asked to determine the rights of the victims it named. To characterize that prosecution — to pronounce its victims imaginary — is not a function a judge performs within a case before him.

It is the probate judge trying the criminal case: an act touching a matter for which the court "clearly lacked all subject matter jurisdiction." Immunity does not reach it.

Petitioner does not rest on that point, and this Court need not decide it. The controlling proposition is the simplest one, and it is complete standing alone: Petitioner seeks no damages, and absolute judicial immunity does not bar the declaratory and prospective relief the Crime Victims' Rights Act authorizes. The relief sought falls outside the immunity's protection because it falls outside the immunity's purpose. No immunity bar applies — and none can be raised — to an order directing that a federally identified crime victim be accorded, going forward, the rights the statute secures.

III. INTRODUCTION AND PRELIMINARY STATEMENT

United States Department of Homeland Security Special Agent Shawn Gibson — leading Operation Software Slashers ("OSS"), one of the largest transnational counterfeit-goods prosecutions in DOJ history — sat across from Petitioner Gustavo Escamilla in a recorded, face-to-face government interview in Burbank, California, and told Petitioner that his company, Greenway Nutrients, Inc. ("Greenway"), had been identified as the Lead Victim, alongside Adobe Systems and Microsoft Corporation. He told Petitioner that sealed federal indictments had been filed against the primary bad actors who had harmed Petitioner's company; that over $20 million had been recovered; that Greenway could recover damages from an established victims' restitution fund; and that Petitioner need not worry about having to file another costly federal civil lawsuit. The government would protect them.

It did not. For years, federal officials bearing a statutory obligation to accord Petitioner his victim's rights under the Crime Victims' Rights Act, 18 U.S.C. § 3771 ("CVRA"), have failed to discharge them.

This Petition is brought on multiple independent grounds, each of which is sufficient alone to warrant this Court's forthwith adjudication under 18 U.S.C. § 3771(d)(3).

A. The First Ground — The 2021 Dismissal Was Entered Without Subject-Matter Jurisdiction, on a Preclusion Theory the Statute Forecloses

The defect does not require argument. It requires a simple review of the two orders, both on this Court's own docket, read one after the other.

2018 — the Court recorded the prosecution as fact. In its April 4, 2018 order, the Court set down, from the record before it, that Petitioner met with DHS Operations Manager Shawn Gibson on March 3, 2015, and that:

> Gibson explained to Plaintiffs that the Greenway investor defendants . . . had already been subject to extensive investigation for criminal trademark infringement. . . . [A]s of the meeting date, ICE and the United States Attorney's Office had recovered over $26 million in the investigation. He also informed Plaintiffs that they may be able to recover from an established victims' fund. . . . [T]he Kansas City U.S. Attorney's Office for the Western District of Missouri ('USAO-MO') agreed that Greenway would be added as a victim in the government's case and that they 'would no longer ever need to worry about having to hire another private attorney . . . to pursue the accused suspects[']' ongoing theft' of Greenway's products." — Apr. 4, 2018 Order at 2–3.

The recovery, the fund, the victim status, the active federal investigation — the Court had them before it, and wrote them down.

2021 — the Court called that same prosecution a fiction. Three years later, on the identical facts, the Court dismissed Petitioner's § 3771 petition — holding, of the sealed federal prosecution of Selakovic and Blackburn in the Western District of Missouri, that it was:

> "The Complaint . . . 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. . . . [Petitioner's allegations] are merely speculation pulled from the ether and do nothing to cause the Court to reconsider its earlier determination that Plaintiffs have supplied no basis to establish any rights under the Crime Victims' Rights Act." — Apr. 2, 2021 Order at 1–2.

The Court recorded an extensive criminal investigation. It recorded $26 million recovered. It recorded an established victims' fund. It recorded that the United States Attorney's Office for the Western District of Missouri had agreed to add Greenway as a victim in the government's case. These were not Petitioner's characterizations. They were the Court's own recitals, drawn from the record and confirmed by the government's motion to dismiss.

That correspondence is worth pausing on, because the Court read it. In it, DHS Operations Manager Shawn Gibson told Petitioner that his team was "continuing their investigation in relation to Plaintiffs' claims" — that these things take time — and, when Petitioner pressed, reprimanded him, informing him "that these accusatory emails were not helpful." (Exs. B, C.) Apr. 4, 2018, Order at 3.

The tone ran the full range, from reassurance to rebuke. But the tone was never the point. Whether Gibson was telling Petitioner to be patient or telling him to stop pushing, he was the government's own official, corresponding with Petitioner as a victim of the government's own case. Victim status under 18 U.S.C.

§ 3771(e)(2)(A) does not turn on whether a federal agent was encouraging or discouraging on a given day. It turns on whether the person was harmed by the offense. The Court reviewed that correspondence in 2018 and recorded exactly what it showed.

But reviewing the correspondence was the whole of this Court's connection to it. The Court read emails about a criminal prosecution being conducted in the Western District of Missouri. It was never present at that prosecution. It had no involvement in it, entered no order in it, and played no role in the victim status those communications reflect. It reviewed the paper. It never touched the case.

2021 — the Court called that same prosecution a fiction. Three (3) years later, presented with a petition to enforce the very victim's rights that recognition created, the Court dismissed it — and did so by declaring that no such prosecution had been shown to exist:

The borrowed jurisdiction. Having recast its own findings as fantasy, the Court dismissed the § 3771 petition not under the CVRA, but by reaching back to the civil case:

> "On "The Complaint . . . 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. . . . [Petitioner's allegations] are merely speculation pulled from the ether and do nothing to cause the Court to reconsider its earlier determination that Plaintiffs have

> supplied no basis to establish any rights under the Crime Victims' Rights Act." — Apr. 2, 2021 Order at 1–2.

That dismissal did not reach a single victim's-rights question. It reached back to 2018 and reaffirmed a jurisdictional ruling — and in doing so, it called a documented federal prosecution a fiction the Court had itself once recorded as fact.

By 2021, the record was not thin — and most of it was the Court's own. The Department of Justice had publicly announced Operation Software Slashers before Petitioner ever filed his 2017 action.[1] DHS agents had sat across from Petitioner in a recorded, face-to-face interview and told him what the government had found. And in its own 2018 order, this Court had recorded the rest: the correspondence conferring victim status, the $26 million recovered, the established victims' fund, and the government's agreement to add Greenway as a victim in its case. None of it was obscure. All of it was on the record — much of it on this Court's record. And in 2021, all of it became "speculation pulled from the ether."

The Court then faulted Petitioner for the one thing that was never his burden. It faulted him for failing to "allege facts suggesting that the underlying crimes occurred in this District." But the crimes did occur in this District — the predicate offenses caused direct and proximate harm to Petitioner and Greenway in the Central District of California, where Petitioner resides and Greenway is located.

[1] *Operation Software Slashers: Six Defendants Plead Guilty to $100 Million Software Piracy Scheme*, U.S. Dep't of Justice, Office of Public Affairs (Dec. 17, 2015), https://www.justice.gov/archives/opa/pr/operation-software-slashers-six-defendants-plead-guilty-100-million-software-piracy-scheme.

And Petitioner was never required to prove it. Nothing in the Crime Victims' Rights Act, nothing in the Attorney General Guidelines for Victim and Witness Assistance, and nothing in the Justice Manual required the victim to prove that the crimes occurred here, or to prove that victims existed at all. The Court's own 2018 order had already recorded where the prosecution was pending: the Western District of Missouri. Petitioner's 2021 filing said the same, in the very words the Court quoted back — that Petitioner "became part and parcel of an existing and ongoing criminal proceeding . . . being conducted in the Western District of Missouri." The Court faulted Petitioner for not placing in this District a prosecution the Court itself had twice located in another — one that, under Federal Rule of Criminal Procedure 18, could proceed only where the offense was committed, and never here. That prosecution was never this Court's to characterize, to credit, or to dismiss.

And that is the contradiction that swallows the rest. The Court dismissed the 2021 petition for lack of subject-matter jurisdiction — it held, in the same breath, that it lacked the power to hear the case at all. Yet in that same order, it reached across district lines into a criminal prosecution it had no role in, no authority over, and no involvement with, and pronounced that prosecution's victim's imaginary.

A court without power to decide the case before it nonetheless found the power to declare a Western District of Missouri prosecution a fiction — a

prosecution it had never presided over, entered no order in, and, by its own ruling, had no jurisdiction to touch.

If the Court lacked jurisdiction, it lacked jurisdiction to make that finding. And if it could make that finding, it had jurisdiction — and was obligated to decide the victim's rights forthwith. It cannot be both. The order is the one thing a jurisdictional dismissal can never be: a merits determination entered by a court professing to have no power to enter one.

The record the victim was faulted for failing to supply was the record the Court itself had already entered. A court does not need a party to establish what its own order has established. The prosecution was real when the Court recorded it in 2018. It did not become imaginary in 2021 because the victim it produced returned to assert his rights.

That is the structural defect at the center of this Petition: a victims'-rights petition dismissed without a single victims'-rights question ever being reached, on the authority of a prior order the Court could recite when it defeated the victim and could not recall when it would have vindicated him — a dismissal for want of jurisdiction that nonetheless reached across district lines to decide, on their merits, the very victim's-rights questions it claimed no power to hear. That defect has never been raised, waived, or forfeited by Petitioner. It has never been examined by any court, at any stage, in either proceeding. It is properly before this Court

now, for the first time — and it is dispositive. Petitioner seeks no damages. He seeks no vacatur of any prior order. He challenges no charging decision. See 18 U.S.C. § 3771(d)(6).

B. The Second Ground — Independent Entitlement to Relief Under 18 U.S.C. § 3664(d)(5) Pursuant to *In re Davis*, a Cause of Action Unavailable Before June 2, 2025

Petitioner is independently entitled to relief under 18 U.S.C. § 3664(d)(5). In *In re Davis*, 146 F.4th 710 (9th Cir. 2025) (as amended Aug. 1, 2025), the Ninth Circuit held that § 3771(d)(3)'s "if no prosecution is underway" clause permits a crime victim to assert CVRA rights by motion after prosecution has concluded, in the district where the crime occurred; and that § 3771(d)(5)'s limitations do not apply to motions to amend restitution under § 3664(d)(5), which operates as an independent statutory pathway for victim restitution amendment. *In re Davis* is binding Ninth Circuit authority that was unavailable to any court at either prior stage of these proceedings, and it confirms the correct statutory framework the 2021 order never applied.

The Pre-*Davis* Legal Unavailability Principle forecloses any preclusion defense. A cause of action that was not legally available to a petitioner at the time of a prior proceeding is not barred by preclusion in a subsequent proceeding in which that cause of action becomes available. Claim preclusion does not extinguish a claim where the plaintiff was "unable to rely on a certain theory of

the case or to seek a certain remedy or form of relief in the first action" because of limitations on the forum's authority. Restatement (Second) of Judgments § 26(1)(c) (1982). And issue preclusion does not bar relitigation where "[t]he issue is one of law and . . . a new determination is warranted in order to take account of an intervening change in the applicable legal context." Id. § 28(2)(b). *In re Davis* is precisely such a change: it confirmed, on June 2, 2025, a § 3664(d)(5) pathway that was not controlling in this Circuit before that date and could not have been raised in any prior proceeding concluded before it. Neither branch of res judicata reaches a remedy the law had not yet recognized. Petitioner seeks no damages. He seeks no vacatur of any prior order. He challenges no charging decision. See 18 U.S.C. § 3771(d)(6).

C. The Third Ground — DHS-OIG's Non-Response to the June 2025 Complaint Documenting the Fabrication of Material Evidence

The discovery underlying this Petition commenced with DHS Special Agent Gibson fabricating a civil court ruling — representing to Petitioner that a Colorado federal court had ruled against Greenway and in favor of the primary accused criminal defendant on Greenway's civil-trademark claims. That representation was untrue: it was a non-existent, fabricated ruling that directly contradicted the actual findings of Colorado Chief Judge Marcia S. Krieger. Gibson's fabrication became the stated basis for suspending its criminal investigation Greenway, thereby depriving Petitioner of any protection or victim's rights and for excluding

it from the OSS prosecution and its restitution proceedings for years. Petitioner documented this in a June 2025 complaint to DHS-OIG and expressly notified DHS-OIG that failure to act would result in a formal CVRA enforcement action. DHS-OIG did not respond. Six months passed. This Petition is that action. Petitioner seeks no damages. He seeks no vacatur of any prior order. He challenges no charging decision. See 18 U.S.C. § 3771(d)(6).

D. The Fourth Ground — On Specific Written Notice of Five Documented Acts of Misconduct, USAO-CDCA Attorneys Filed No Denial of Any Allegation on the Merits

Beginning in July 2021, USAO-CDCA attorneys — with awareness of Gibson's fabrication of material court records — did not correct it, did not distance themselves from it, and did not disclose it. They adopted, mischaracterized, and republished it, and this Court relied upon that republication as one of the determining factors in dismissing Petitioner's underlying action. (Exs. F, G.)

During the July 2021 through November 9, 2021 window — culminating in this Court's November 9, 2021 Sua sponte dismissal of Petitioner's Rule 60(d)(3) motion — named USAO-CDCA attorneys appeared in active proceedings before this Court with documented knowledge of every CVRA violation in this Petition, and chose not to invoke the available § 3771(d)(4) cure mechanism, not to correct the fabrication, and not to discharge their affirmative best-efforts obligation under 18 U.S.C. § 3771(c)(1).

These are independent, timely, post-dismissal CVRA violations, committed by named attorneys, in active proceedings, with full knowledge, before this Court. When Petitioner later placed five documented acts before the Court in his Rule 60(d)(3) motion, the government's October 25, 2021 opposition denied not one of them on the merits. Petitioner seeks no damages. He seeks no vacatur of any prior order. He challenges no charging decision. See 18 U.S.C. § 3771(d)(6).

E. The Fifth Ground — Stafford's Independent, Timely, and Documented CVRA Violations (December 2025–February 2026)

Beginning December 18, 2025, Petitioner formally notified First Assistant U.S. Attorney Bilal A. Essayli of documented material evidence supporting multiple instances of misconduct and of his concern regarding potential retaliation by former Acting U.S. Attorney Hanna and other USAO-CDCA officials. Petitioner received no response. (Ex. P.)

Beginning December 30, 2025, and continuing through February 2026, Petitioner engaged USAO-CDCA Supervisory Victim-Witness Coordinator Allison Stafford across eight (8) written submissions over seventy (74) four days. Petitioner's documented correspondence with USAO-CDCA Victim-Witness Coordinator Allison Stafford (December 2025–February 2026), filed as Exhibits P through U to the Petition filed May 14, 2026 (Dkt. 9), is incorporated herein by reference. Stafford confirmed receipt and review of the complete evidentiary record — including this Court's April 4, 2018 published order acknowledging

Petitioner's victim status, the 2021 CVRA petition, the Rule 60(d)(3) motion naming her own office's attorneys, the DHS-OIG complaint, and counsel's Rule 11-certified acknowledgment that the misconduct evidence met the applicable high standard.

Her four written responses applied the wrong statute, searched the wrong district, and directed the formally identified Lead Victim of a $20-plus-million federal prosecution to call a general FBI tip line. These violations are recent, documented, independent of every prior proceeding, and have never been adjudicated on their merits. Petitioner seeks no damages. He seeks no vacatur of any prior order. He challenges no charging decision. See 18 U.S.C. § 3771(d)(6).

F. The Contradiction This Petition Seeks to Resolve

This Court's own April 4, 2018, published order acknowledged Petitioner's formal identification as a victim by DHS, the OSS prosecution in the Western District of Missouri, the government's recovery of over $20 million in forfeited assets, and Greenway's eligibility for compensation from the established victims' restitution fund. (Ex. M.) USAO-CDCA Supervisory Victim-Witness Coordinator Stafford's January 28, 2026, written determination states:

> "It does not appear that you are an identified crime victim in a federal criminal proceeding."

Both documents are on this Court's own docket. They cannot coexist. Section 3771(d)(3) affords this Court the authority to resolve that contradiction forthwith.

Petitioner seeks no damages. He seeks no vacatur of any prior order. He challenges no charging decision. See 18 U.S.C. § 3771(d)(6). He seeks only what the statute guarantees, and what more than a decade of documented institutional failure has denied him: prospective enforcement of rights that attached in March 2015 and have never once been discharged or accorded. *In re Davis* confirms this Court's jurisdiction. The record confirms the violation. The statute commands the remedy.

IV. PETITIONER IS A CRIME VICTIM WITHIN THE MEANING OF 18 U.S.C. § 3771(e)(2)(A): DIRECT AND PROXIMATE HARM ESTABLISHED BY THE GOVERNMENT'S OWN IDENTIFICATION, FEDERAL PREDICATE OFFENSES, A FEDERAL COURT'S OWN FINDINGS, AND RULE 11-CERTIFIED CORROBORATION

One question governs everything that follows, because the government's entire course of conduct has depended on avoiding it: whether Petitioner is a crime victim. He is. The government's own officer formally identified him as the Lead Victim. The statute defines the term in his favor. His rights attached immediately upon notification, and controlling authority construes the term broadly. The

federal predicate offenses satisfy it. A federal court's own findings confirm the harm. And independent counsel has certified it under Rule 11.

There is no civil-litigation prerequisite anywhere in the definition — not in the Crime Victims' Rights Act, not in the Attorney General Guidelines for Victim and Witness Assistance, and not in the Justice Manual. Each of the following showings is independently sufficient. Together, they are dispositive.

A. DHS Formally Identified Greenway as the Lead Victim of a Federal Criminal Prosecution

In March 2015, following a referral from Microsoft attorney Michael A. Sink of Perkins Coie, DHS Special Agent Shawn Gibson, DHS Field Agent Carlos Suarez, and one additional agent arranged a recorded, face-to-face meeting with Petitioner in Burbank, California. (Ex. A.) At that recorded meeting, DHS officials advised Petitioner:

- that David Selakovic and Steven Blackburn were the ringleaders of Operation Software Slashers ("OSS"), one of DOJ's single largest criminal counterfeit-goods prosecutions, targeting Microsoft, Adobe, and Greenway;
- that DHS and the U.S. Attorney's Office for the Western District of Missouri ("USAO-MO") had recovered over $20 million in civilly forfeited assets from six defendants who had already pleaded guilty;
- that Petitioner would be added as a named Lead Victim and would be eligible for compensation from the victims' restitution fund;
- that federal criminal indictments against Selakovic and Blackburn had been filed under seal in or about January 2015 in the Western District of Missouri;

- that Petitioner need not worry about filing any further civil lawsuit — the government's prosecution would protect him; and
- that any prosecution of the politically connected Selakovic required careful handling due to U.S.–Serbian government relations.

This is not a victim's self-characterization. It is the government's own identification, made by the DHS agent leading the prosecution, memorialized in a recorded meeting, and later acknowledged by this Court in its April 4, 2018, order.

A federal offense existed; a federal prosecution existed; and the government named Greenway its Lead Victim. The first two elements of § 3771(e)(2)(A) — a person and a federal offense — are established by the government's own word.

Gibson's specific representation that Petitioner would be eligible for compensation from an established victims' restitution fund was not incidental. It established Petitioner's documented reliance on the government to manage the Mandatory Victims Restitution Act process on his behalf — reliance the statute itself expressly authorizes. 18 U.S.C. § 3664(g)(1) ("No victim shall be required to participate in any phase of a restitution order.").

Compounding the deprivation, DHS, USAO-MO, and DOJ officials have failed to disclose, and have concealed and withheld, all material information regarding the case number and the outcome of their sealed prosecution of Selakovic — including whether any deferred-prosecution agreement, non-prosecution agreement, plea, conviction, or restitution order was ever entered.

B. The Statutory Definition Has Three Elements — and a Civil-Litigation Prerequisite Is Not One of Them

At the recorded March 2015 meeting, Gibson advised Petitioner that he need not file any further civil lawsuit — the government's prosecution would protect him. That representation was legally correct. Nothing in the Crime Victims' Rights Act conditions victim status on the filing or success of a civil action — not one word. Nor does any such prerequisite appear in the Attorney General Guidelines for Victim and Witness Assistance or the Justice Manual. Victim status turns on a single question, and § 3771(e)(2)(A) states it:

> "[T]he term 'crime victim' means a person directly and proximately harmed as a result of the commission of a Federal offense."

Three elements: a person, direct and proximate harm, and a federal offense. Civil-litigation success is not among them. The Attorney General Guidelines for Victim and Witness Assistance define victim identification by the nature of the offense — not by the outcome of any civil proceeding. And CVRA rights attach at the initiation of the investigation. *Kenna v. U.S. Dist. Court for C.D. Cal.*, 435 F.3d 1011, 1013 (9th Cir. 2006). When Gibson sent his October 2016 email imposing civil-litigation success as the precondition for further government action, he imposed a condition he had told Petitioner eighteen months earlier did not apply, a condition the statute expressly forecloses, and a condition that — even

if it had been satisfied — would have had no legal effect whatsoever on the government's mandatory obligations under the CVRA. By that same email and those that followed, Gibson independently violated 18 U.S.C. § 3771(a)(9), sending false and materially misleading communications that actively concealed the existence and status of the sealed OSS proceedings from the formally identified Lead Victim.

C. Controlling Authority Requires That "Crime Victim" Be Construed Broadly — and Reaches Parties Not Named in the Charging Document

The CVRA is remedial legislation, and both the Act as a whole and its definition of "crime victim" require generous construction. It "was designed to be a broad and encompassing statutory victims' bill of rights." *United States v. Degenhardt*, 405 F. Supp. 2d 1341, 1342 (D. Utah 2005) (quoting 150 Cong. Rec. S4261 (daily ed. Apr. 22, 2004) (statement of Sen. Feinstein)). Congress enacted the CVRA because, in the federal system, crime victims had been "treated as non-participants in a critical event in their lives. They were kept in the dark by prosecutors too busy to care enough . . . and by a court system that simply did not have a place for them." 150 Cong. Rec. S4262 (Apr. 22, 2004) (statement of Sen. Feinstein). The Ninth Circuit has explained that the Act "sought to change" the assumption that crime victims should be "seen but not heard" by "making victims independent participants in the criminal justice process." *Kenna*, 435 F.3d at 1013.

Remedial statutes are "interpreted liberally to facilitate and accomplish [their] purposes and intent." Elliott Indus. Ltd. P'ship v. BP Am. Prod. Co., 407 F.3d 1091, 1118 (10th Cir. 2005). The Act itself directs that courts must treat crime victims with "fairness." *United States v. Patkar*, 2008 WL 233062, at 3 (D. Haw. 2008) (citing *United States v. Turner*, 367 F. Supp. 2d 319, 335 (E.D.N.Y. 2005)). And the Act's co-sponsor explained, after reciting the very direct-and-proximate-harm language at issue here, that "this is an intentionally broad definition because all victims of crime deserve to have their rights protected." 150 Cong. Rec. S10912 (Oct. 9, 2004) (statement of Sen. Kyl).

An individual qualifies as a victim even when not the target of the crime, and even when not named in the charging document. As the Eleventh Circuit has held:

> "[The CVRA] does not limit the class of crime victims to those whose identity constitutes an element of the offense or who happen to be identified in the charging document. The statute, rather, instructs the district court to look at the offense itself . . . to determine the harmful effects the offense has on parties. Under the plain language of the statute, 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).

Petitioner was directly and proximately harmed by these federal offenses. Under the intentionally broad definition Congress enacted, and the generous

construction the Ninth Circuit and others require, he is a crime victim within the meaning of § 3771(e)(2)(A).

D. Emotional, Psychological, and Dignitary Harm Is Itself Sufficient Harm to Confer Victim Status

Although the direct and proximate financial harm here is documented and severe, the CVRA does not require tangible or financial injury at all. A movant establishing victim status must show "harm" from the offense, but that harm "can be of any type — including . . . intangible harms such as emotional distress, affront to dignity, or invasion of privacy." Congress used the broad term "harm," commonly defined as "physical or mental damage: injury." Webster's Third New International Dictionary 1034 (2002). An affront to dignity, standing alone, has been held to confer crime-victim status under the CVRA. See *United States v. Monzel*, 746 F. Supp. 2d 76, 84 (D.D.C. 2010). The CVRA nowhere requires additional physical or tangible consequences to follow from the harm.

Where federal officials inflict dignitary or emotional harm on a victim under color of the very statute enacted to protect him, that harm is itself the injury Congress legislated against. The officials charged with protecting Petitioner failed to do so; the Selakovic enterprise and Greenway's former attorneys generated millions in illicit gains built on Greenway's stolen intellectual property; and Petitioner endured years of mistreatment and affront to his dignity and to his right to be treated with fairness — producing ongoing, life-altering psychological harm,

and eroding his trust in federal law enforcement and in the judiciary itself. That is precisely the harm Congress sought to foreclose when it codified the victim's right to be treated with fairness and with respect for the victim's dignity under 18 U.S.C. § 3771(a)(8). This Court has its own independent obligation to intercede and ensure the government respects those rights.

E. Petitioner's Rights Attached During the Investigation and Included the Right to Confer Before Any Plea or Resolution

Petitioner's rights did not wait for an indictment. Certain CVRA rights attach during the investigation of a crime, before any charging instrument is filed. As the district court recognized, "[t]here are clearly rights under the CVRA that apply before any prosecution is underway." *United States v. BP Products North America Inc.*, No. H-07-434, 2008 WL 501321, at 11 (S.D. Tex. Feb. 21, 2008). Logically, this includes the CVRA's establishment of victims' "reasonable right to confer with the attorney for the Government." 18 U.S.C. § 3771(a)(5). That reading follows the statute's own text, which directs government officials engaged in "the detection, investigation, or prosecution of crime" to make their best efforts to see that victims are accorded their rights. 18 U.S.C. § 3771(c)(1). When DHS identified Greenway as the Lead Victim of the OSS investigation in 2015, Petitioner's rights attached — and the government's obligation to accord them attached with them.

The right to confer is not a formality reserved for sentencing. Petitioner was entitled to have this conference with prosecutors before any final plea agreement was reached. The Fifth Circuit reached this conclusion in *In re Dean*, 527 F.3d 391 (5th Cir. 2008), where the Government negotiated a plea agreement with the corporate defendant without conferring with the victims. When the Government's failure was challenged, the Fifth Circuit observed: "In passing the [CVRA], Congress made the policy decision — which we are bound to enforce — that victims have a right to inform the plea negotiation by conferring with prosecutors before a plea is reached." Id. at 394.

Petitioner has never once been afforded that conference. He was never notified of, and never consulted about, any plea, deferred-prosecution agreement, or other resolution involving the Selakovic defendants — the very actors the government identified as having harmed him. Whether such a resolution was reached, and on what terms, Petitioner does not know, because the right that would have told him was never honored.

F. The Predicate Federal Offenses — Ryan's Embezzlement of Greenway's Confidential Business Information (Discovered March 2017)

Michael J. Ryan served as Greenway's retained attorney, paid $50,000 — confirmed by email notification of the wired funds — specifically to draft Greenway's Private Placement Memorandum. As Greenway's fiduciary attorney,

Ryan had full access to Greenway's most sensitive proprietary information: its trade secrets, product formulations, customer lists, the exclusive Ecowin distribution agreement he helped draft, and, most critically, its confidential reverse-merger strategy involving the HPC Acquisitions, Inc. shell corporation — the precise vehicle Petitioner and Ryan had discussed for taking Greenway's business model public. During his representation, Ryan valued Greenway's business model at $25 million and was bound by attorney-client privilege, fiduciary duty, and a non-disclosure agreement.

In or about March 2016 — while his duty of confidentiality remained fully operative — Ryan, acting on behalf of Selakovic, registered Vegalab, Inc. (formerly HPC Acquisitions, Inc., the precise shell corporation he and Petitioner had discussed for Greenway's use) with the SEC. He obtained a managing-member position and stock ownership in Vegalab and assisted Selakovic in executing Greenway's confidential reverse-merger plan, drafting a parallel Private Placement Memorandum for Selakovic's company using Greenway's confidential business model as the template. This is not attorney malpractice. It is the embezzlement of confidential intellectual property and insider business information for personal financial gain by a lawyer bound by an attorney-client fiduciary duty.

That conduct constitutes independent federal predicate offenses, each of which directly and proximately harmed Petitioner within the meaning of 18 U.S.C. § 3771(e)(2)(A): wire fraud, 18 U.S.C. § 1343; securities fraud, 18 U.S.C. § 1348; and theft of trade secrets, 18 U.S.C. § 1832. The SEC filings establishing Ryan's managing-member role and stock ownership are public government records.

The discovery date is dispositive, and it exposes the fabrication at the center of this case. Ryan did not register Vegalab with the SEC until March 2016; discovery of his role was physically impossible before that date. Petitioner discovered the scheme in March 2017 upon reviewing those SEC filings — not in June 2013. AUSA Park's substitution of Thomas Ryan for Michael J. Ryan in her sworn declaration manufactured a "prior knowledge" date, falsely implying Petitioner had known of his own attorney's conduct in June 2013 — a date physically impossible on the face of the SEC record, and verifiable from the SEC's EDGAR database without any expert testimony.

G. A Federal Court's Own Findings — Greenway's 2018 Florida Lawsuit and the $100 Million in Uncompensated Product Value

Gibson's fabricated civil prerequisite forced Petitioner into years of costly federal civil litigation to obtain the same protection the CVRA had guaranteed him, at no cost, through the criminal-justice system. In August 2018, Petitioner retained counsel and filed *Greenway Nutrients, Inc. v. Selakovic*, No. 9:18-cv-81104 (S.D. Fla.), against Selakovic, former Greenway attorneys Michael J. Ryan

and James D. Ryan, the raw-products supplier Ecowin — by then majority-owned by Selakovic — and Selakovic's publicly traded alter-ego entity, Vegalab, Inc. Selakovic's alter-ego relationship with these entities was independently confirmed in *Adobe Systems Inc. v. Bea's Hive LLC*, No. 9:14-cv-81102 (S.D. Fla.).

On February 14, 2019, the federal court sustained Greenway's claims — finding it adequately pleaded that Michael Ryan and James Ryan disclosed Greenway's confidential information and trade secrets to Selakovic in breach of their fiduciary duties, that the trademark-infringement claims against Ecowin were viable, and that Selakovic's enterprise was built on the displacement of Greenway's exclusive distribution rights. (S.D. Fla., DE-81, Feb. 14, 2019.) On March 6, 2019, the clerk entered default against Ecowin, positioning Greenway for a multi-million-dollar judgment requiring only proof of damages. Petitioner had provided material evidence that Ecowin's direct participation in manufacturing and distributing Greenway's stolen products generated over $100 million in retail sales value — without a dollar of compensation to Greenway or Petitioner.

This is the crux of victim status: not an allegation, but a federal court's own finding that the harm was adequately pleaded, followed by an entry of default. The direct-and-proximate injury required by § 3771(e)(2)(A) was confirmed on a federal docket.

That case was then destroyed. On March 29, 2019 — the same day retained counsel John Pierce filed a materially false motion to withdraw — Virage SPV-1, LLC executed a $28.5 million loan agreement with Pierce's law firm, perfected by a UCC-1 financing statement filed with the California Secretary of State on April 2, 2019, collateralized against the firm's entire case portfolio, including Greenway's pending litigation. No default judgment was ever entered against Ecowin. Selakovic was never served. No discovery was conducted against the Ryans. Zero damages were awarded. The victim's one avenue of civil recovery — the avenue Gibson's fabrication had forced him onto — was extinguished the moment it was about to succeed.

H. The Harm Is Ongoing — Petitioner's April 2020 Notice to Gibson, Unanswered

The harm is not historical. In April 2020, after the Florida lawsuit was dismissed, Petitioner notified Gibson directly that James Ryan — Greenway's former attorney, whose fiduciary duties remained fully operative and who had valued Greenway above $25 million during his representation — was then serving as interim CEO of Vcgalab, Inc., the publicly traded entity Selakovic built on Greenway's stolen intellectual property. Petitioner advised Gibson that James Ryan had conspired with Selakovic to embezzle from Greenway, that he maintained a decades-long history of defending Selakovic in civil trademark and intellectual-property-theft litigation involving Adobe Systems, Microsoft, and

Greenway, and that the enterprise appeared to constitute an ongoing racketeering operation.

Gibson did not respond. He did not notify Petitioner of a single CVRA right triggered by that notification — not protection under § 3771(a)(1), not notice under § 3771(a)(2), not conferral under § 3771(c)(1), and no obligation under 34 U.S.C. § 10607 — notwithstanding that he had previously advised Petitioner of Selakovic's involvement in OSS and of the sealed USAO-MO indictment. The harm from the original federal offense is ongoing, present-tense, and unaddressed, precisely because the government failed to notify Petitioner of the prosecution's outcome and failed to protect him as required by 18 U.S.C. §§ 3771(a)(1) and (a)(9), and 34 U.S.C. § 10607(c)(2).

I. Rule 11-Certified Independent Corroboration

Petitioner's victim status does not rest on his account alone. In March 2022, Gerard P. Fox (Cal. Bar No. 151649) of Gerard Fox Law, P.C. — a licensed California attorney — filed an original complaint in Los Angeles Superior Court on behalf of Greenway and Petitioner against John Pierce, Pierce Bainbridge, the Virage and Pravati funding entities, and others, asserting twelve causes of action including breach of fiduciary duty, conspiracy, aiding and abetting securities fraud, and misappropriation of trade secrets. A First Amended Complaint followed on January 20, 2023, alleging that Pierce and his firm aided and abetted the Ryans,

Ecowin, Selakovic, and Vegalab in evading liability for their joint role in destroying Greenway's meritorious litigation. An officer of the court, subject to Rule 11, examined this record and staked his professional standing on its merit.

The conclusion is inescapable and independently established at every level. The government identified Petitioner as the Lead Victim. The statute defines him as a victim. Controlling authority construes the definition to reach him. Federal predicate offenses harmed him directly and proximately. A federal court found the harm adequately pleaded and entered default. The harm continues to this day. And independent counsel certified it under Rule 11. Petitioner is a crime victim under 18 U.S.C. § 3771(e)(2)(A) — a status that attached in March 2015 and that no court has ever discharged, accorded, or extinguished.

V. THE ORIGIN OF THE VIOLATIONS: A FABRICATED COURT RULING, FIVE DOCUMENTED ACTS OF MISCONDUCT, AND A COURT THAT RELIED ON THEM AND THEN DECLINED TO EXAMINE THEM

The violations at the center of this Petition did not begin in 2026. They began with a single fabricated document, and they were built, act by act, into the record of this Court — each act adding a layer to a false narrative, and each layer relied upon, adopted, or left unexamined by the same court now before this Petition. What follows is drawn entirely from the record. It is the factual predicate

for every violation that came after, and it explains why a federally identified crime victim has spent nearly a decade unable to have the truth reached on its merits.

A. The Triggering Act — DHS Agent Gibson Fabricated a Court Ruling That Never Existed (October–November 2016)

Every violation in this Petition descends from a single sentence a federal agent wrote about a court ruling that was never entered. On October 28, 2016, DHS Special Agent Shawn Gibson — the agent who had identified Greenway as the Lead Victim of Operation Software Slashers — wrote to Petitioner from his official government account:

> "We have researched your claims and consulted with the United States Attorney's Office, Western District of Missouri and while we sympathize with your situation, we have been advised that on August 17, 2015 a **District Court found in favor of Selakovic against Greenway Nutrients in regards to the assertion of the Greenway trademark**. . . . Regardless, we continue to investigate the alleged criminal activities in regard to his alleged distribution of counterfeit software." (Ex. I.)

The sentence carries its own refutation. Gibson reported that a court had ruled against Greenway on the "trademark" infringement claims— and, in the same breath, that the government would "continue to investigate" the very conduct the ruling supposedly foreclosed. Both cannot be true. But the first half is the fabrication, and it is provably false against the Colorado docket Gibson claimed to be describing.

There was **no** August 17, 2015, ruling in Selakovic's favor. What existed on that docket was the opposite. Selakovic had moved to dismiss, arguing Greenway's trademark claim did not belong in Colorado. On March 31, 2015, Chief Judge Marcia S. Krieger took up that argument and rejected it:

> "Mr. Selakovic argues that under the Calder effects test, Greenway has not alleged that he 'expressly aimed' any tortious activity at Colorado. **The Court disagrees**. Trademark infringement turns on whether customers are likely to be confused, mistaken, or deceived by the use of a trademarked product. . . . Greenway has met its burden of making a *prima facie* showing of personal jurisdiction over Defendants Blackburn, FSS, and Selakovic. . . . The [Selakovic] Motion to Dismiss is . . . DENIED in all other respects." — *Greenway Nutrients, Inc. v. Blackburn*, No. 13-cv-01088-MSK-KMT (D. Colo. Mar. 31, 2015) (Krieger, C.J.) (Ex. D).

That was the ruling on the merits of the trademark question, and it went against Selakovic. What Gibson's fabrication corrupted was a separate procedural event. In August 2015, a magistrate judge issued a recommendation to dismiss Greenway's suit for a filing default. On October 27, 2015, Chief Judge Krieger **overruled that recommendation**, finding the dismissal unsupported (DE-151). And on June 16, 2016 — after every date Gibson would later invoke — the court confirmed what remained:

> "The Court notes that at the time the case was dismissed for the Plaintiffs failure to maintain a valid address or to obtain counsel, its claims for trademark infringement, false designation of origin, and unjust enrichment were still viable.

> These claims were not adjudicated on the merits . . . ." — *Greenway Nutrients, Inc. v. Blackburn*, No. 1:13-cv-01088 (D. Colo. June 16, 2016) (DE-155) (Ex. I).

Set Gibson's sentence against that record and the fabrication has nowhere to stand. Gibson told the victim a court "found in favor of Selakovic against Greenway Nutrients in regards to the assertion of the Greenway trademark."

The court had found the opposite — the Court disagrees — denied Selakovic's motion, overruled the only dismissal recommendation ever entered, and confirmed the trademark claims "still viable." Gibson took a magistrate's recommendation that had been overruled and reported it to the victim as a final ruling for Selakovic. He did not misread the docket. He inverted it.

Petitioner told him so that same day. He advised Gibson that no such ruling in Selakovic's favor existed, and that Gibson was either mistaken or taking advantage of a Mexican-American small businessman appearing without counsel. Gibson did not correct the record. He hardened it. On November 21, 2016, he made the fabrication operative

> "[O]ur agency cannot move forward with any investigation involving your trademark until you resolved this issue with the District Court in Colorado that issued the decision. . . . [B]ecause of the court decision, in a case you were a party to in Colorado, [we] would not be able to file charges at this time." (Ex. I.)

Three weeks earlier, Gibson had written that the government would "continue to investigate." Now the same agent wrote that it "cannot move forward" — on the strength of a "court decision" that had never been entered, and that, on the trademark question he named, had been decided against Selakovic. There was no issue to resolve and no decision to resolve it against. On that fabrication, Gibson suspended the federal criminal investigation in which Petitioner was the identified Lead Victim, foreclosed any restitution determination, and severed Petitioner from the prosecution.

Every act that follows in this record — the false declaration, the substituted identity, the republication under four signatures, the recasting of a fabricated trademark ruling as a false and materially misleading "merit's" judgment — is built on the sentence Gibson wrote on October 28, 2016. It is the seed from which every subsequent violation grew.

B. Act One — Ramey's False Declaration of Non-Existence (January 29, 2018)

The fabrication next entered this Court under oath. Attached to the government's January 29, 2018, motion to dismiss was a sworn declaration by AUSA Robert A. Ramey, Associate Legal Advisor, ICE, stating under penalty of perjury:

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> "[My search] identified no electronic or hardcopy record of any administrative tort claim from either Mr. Escamilla or Greenway Nutrients transmitted to ICE." Ramey Decl. §§ 2–3, Dkt. 9-1 (Jan. 29, 2018).

That declaration was false. On May 1, 2017, Petitioner had filed a formal civil-rights complaint with DHS's Office for Civil Rights and Civil Liberties (DHS-CRCL), which issued written acknowledgment of receipt the next day and transmitted the complaint to more than twenty DHS and DOJ officials.

Ramey did not query DHS-CRCL. He queried only ICE's administrative tort-claims database — where a civil-rights complaint would never appear. The same Office's July 19, 2021 opposition later acknowledged that "undersigned counsel referenced the existence of plaintiff's complaint to CRCL in defendants' reply" — directly contradicting Ramey's sworn declaration of non-existence. (Ex. K.)

The violation is specific, and it reached the bench: this Court relied on Ramey's declaration as one of the primary determining factors in dismissing the 2017 action with prejudice. A materially false sworn declaration, used to procure a dismissal, denied Petitioner the right to be treated with fairness and dignity, 18 U.S.C. § 3771(a)(8), and the Government's duty of best efforts, 18 U.S.C. § 3771(c)(1).

C. Act Two — Park's False Ryan Substitution: A Manufactured "Prior Knowledge" Defense (January–February 2018)

Also on January 29, 2018, AUSA Grace Y. Park submitted a sworn declaration attaching a June 2013 sanctions motion filed by Thomas F. Ryan, his ex-wife Wendy Ryan, and their daughter Jessie Ryan (Ex. E.) — and represented to the Court:

> "[A]s far back as June 11, 2013, Escamilla sent threatening and profanity-laced communications to Ryan, his ex-wife, and daughter."

That representation was used to manufacture a "prior knowledge" defense: that Petitioner had known of Greenway's former attorney Michael J. Ryan's involvement in the scheme since 2013, making his March 2017 discovery "rather old."

It was a documented identity substitution. Petitioner's June 2013 emails were sent to **Thomas F. Ryan** — an entirely different person from Michael J. Ryan, Greenway's former fiduciary attorney. Park's own attached motion never once mentions Michael J. Ryan. And the substitution was not merely false but impossible: Michael J. Ryan did not register the entity later known as Vegalab, Inc. **with the SEC until March 2016**, so his role — which Petitioner discovered in March 2017 upon reviewing those public filings — could not have been known in June 2013. A sworn declaration that conflates two different men to charge a victim with knowledge of an act that had not yet occurred is a fabrication.

The violation is specific. Advancing a materially false sworn declaration to defeat a victim's claim denied Petitioner the right to fairness and dignity, 18 U.S.C. § 3771(a)(8), and the Government's best-efforts duty, 18 U.S.C. § 3771(c)(1).

D. Act Three — The Coordinated Republication of the Fabrication Under Oath (January–February 2018)

In both the January 29, 2018, motion to dismiss and the February 16, 2018, supplemental brief, four attorneys — Hanna, Schouten, Monteleone, and Park — adopted and republished Gibson's fabricated "August 17, 2015" ruling under their own signatures, representing to this Court that Greenway's trademark ownership was legally "in doubt." (No. 2:17-cv-07748, Dkt. 9 at 11; Dkt. 11 at 6.)

It was not. Greenway's ownership of its registered U.S. trademark has never been in doubt, and Gibson's "August 17, 2015" ruling never occurred. The actual Colorado record — publicly accessible on PACER throughout — said the opposite: Chief Judge Krieger's March 31, 2015, ruling was for Greenway and against Selakovic. The attorneys had before them, in their own case file and attached to Park's own declaration, Gibson's June and August 2015 written confirmations that the investigation was actively continuing during the very period bracketing the fabricated ruling. They had the means to verify the fabrication as false.

They republished it anyway, under their own signatures, across two successive filings. A single attorney's misstatement may be error; a coordinated, multi-attorney republication after the contradicting record was available is not.

The violation is specific. The coordinated republication of a fabrication, used to mislead the Court into treating the criminal investigation as suspended, denied Petitioner the right to fairness and dignity, 18 U.S.C. § 3771(a)(8), the right to full and timely restitution the suspension foreclosed, 18 U.S.C. § 3771(a)(6), and the Government's best-efforts duty, 18 U.S.C. § 3771(c)(1).

E. Act Four — July 19, 2021: The Office Raised the Victim's Status and Used It Against Him

On July 19, 2021 — after Petitioner's March 2021 CVRA petition had been dismissed — four USAO-CDCA attorneys (Wilkison, Harris, Osinoff, and Park) filed an opposition to Petitioner's disqualification motion. They affirmatively raised Petitioner's CVRA victim status, faulting him for a purported "failure to identify the existence of criminal proceedings affecting them as victims," and republished Gibson's fabrication in the Office's own voice — as the "correct legal basis" for the dismissal — representing:

> "Judge Wright correctly noted that plaintiffs could not identify any criminal proceeding supporting their rights as victims since, in August 2015, defendants told plaintiff they would not move forward with the criminal infringement action as to plaintiffs

> given that the civil trademark infringement suit did not reach a judgment on the merits." No. 2:17-cv-07748, Dkt. 15, at 2–3.

This was done after Petitioner's March 2021 notice had specifically identified the fabrication as false. And the representation did more than repeat the fabrication — it recharacterized it. Gibson's fabricated "August 17, 2015" ruling was, by its own terms, a ruling on one thing only: Greenway's trademark. Gibson told Petitioner a court had ruled "**in favor of Selakovic against Greenway Nutrients in regards to the assertion of the Greenway trademark.**"

He said nothing about the merits of anything. He said trademark. Three years later, the Office recast that fabricated trademark ruling as a judgment "on the merits" — conflating a purported trademark outcome with a merits adjudication that was never claimed, never entered, and never existed. There was no ruling. There was no merits determination. There was a fabricated trademark ruling, relabeled as a merits judgment to manufacture a basis for denying the victim his status.

The conflation was not incidental. It was the mechanism. A fabricated trademark ruling, standing alone, has no bearing on whether Petitioner is the victim of a federal criminal prosecution — trademark ownership was never in doubt, and Greenway's registered mark has never been adjudicated against it. Only by recasting that fabrication as a "merits" judgment could the Office make it appear to answer the victim's-rights question at all. It answered nothing. It

conflated a trademark that was never lost with a merits ruling that was never made and used the two together to fault the victim for failing to establish a status the recast was built to erase.

The violation is specific. Raising a victim's status only to wield it against him and republishing a known fabrication — recast as a merits adjudication it never was — violated 18 U.S.C. § 3771(a)(8) and the Government's best-efforts duty under 18 U.S.C. § 3771(c)(1); and because it occurred in a proceeding before this Court, the Court's own duty to ensure those rights under 18 U.S.C. § 3771(b)(1) attached at the same moment. The Court did not correct it. It let it stand.

F. Act Five — The Government's Non-Denial: Not One Documented Act Contested on the Merits (October 25, 2021)

Confronted with a sworn, documented record of fraud on the court, the Government did not deny it. It could not, and it did not try.

Let one thing be clear at the outset, because the Government will reach for it. This Petition seeks enforcement of Petitioner's mandatory restitution and victim's rights under the Crime Victims' Rights Act and the Mandatory Victims Restitution Act — a statutory entitlement that stands entirely apart from the Rule 60(d)(3) motion and does not depend on it in any respect. Petitioner does not ask this Court to adjudicate that motion, to set aside the 2018 judgment, or to revisit their merits. Those merits are not before this Court, and Petitioner does not ask to relitigate them. The October 25, 2021, opposition is relevant here for one reason

only: it is the fifth documented act of misconduct, offered as evidence of the pattern the Crime Victims' Rights Act charges this Court to remedy. The question is not whether the fraud motion should have won. The question is what a federal prosecutor did when a crime victim laid a sworn record of fraud in front of him. What he did is the violation.

On October 25, 2021, AUSA Kevin Finn filed the Government's opposition to Petitioner's Rule 60(d)(3) motion. (No. 2:17-cv-07748, Dkt. 23.) (Ex. J.) Finn did not factually deny a single documented act. He did not contest a single sworn allegation. He rested the entire opposition on two procedural grounds — Local Rule 7-3's meet-and-confer requirement and Local Rule 11-6's page limit — and left every substantive charge standing, uncontroverted, before any court.

Silence, on a record like this, is an answer. A prosecutor who could deny a fraud allegation denies it. Finn did not. And this silence was not the silence of oversight — it was engineered, and the Office's own filings prove the hand that built it.

The consequence follows from the Government's own choice. Every documented act was placed before the Government, in a sworn motion, with specific record citations. The Government had the motion. It had the time. It had every opportunity, and every obligation, to answer. It answered none of it. Those facts were not denied then, have not been denied since, and stand today exactly as

Petitioner placed them — documented, sworn, and uncontroverted in any filing the Government has ever made. A party that declines to contest a fact when the moment to contest it is squarely before him does not get to contest it later. The Government spent its opportunity on procedure. The record it left behind is one of admission by silence — and that record is now before this Court, unrebutted, precisely as it has stood since October 25, 2021.

Finn knew the governing law. He cited it. The controlling Ninth Circuit fraud-on-the-court authority — *United States v. Sierra Pacific Industries, Inc.*, 862 F.3d 1157 (9th Cir. 2017) — was in his own brief. What he did with it is the tell. He took the parts that served the Government — timeliness, due diligence, the "central issue" materiality test — and pressed them hard, to argue the fraud was legally insufficient. Then he left the rest on the shelf. He did not apply *Sierra Pacific*'s adverse-inference framework to a documented pattern spanning multiple attorneys and multiple filings. He did not cite *United States v. Estate of Stonehill*, 660 F.3d 415, 444 (9th Cir. 2011) — the authority that requires a court to weigh a course of misconduct as a whole, rather than one act at a time. That omission was not careless. A pattern examined one piece at a time disappears; each act, standing alone, can be waved off. Examined whole, it cannot. Finn cited the case that told him to look at the whole, and then made certain the whole was never looked at.

And the choice was made before the motion was ever filed. Footnote 2 of the Office's own July 19, 2021, opposition had already cited *Sierra Pacific* — preemptively, in anticipation of a Rule 60(d)(3) motion Petitioner had not yet filed — and predicted, without qualification, that the motion "will also fail." Read that again. Before the victim filed, the Office named the case it would use, forecast the outcome, and committed to it in writing. Then it delivered that outcome the only way it safely could: not by meeting the fraud, but by avoiding it — the motion struck on a disputed procedural ground before any court laid eyes on the merits. The prediction was never tested. It was arranged.

This is offered not to reargue the fraud motion — it is offered to show what the non-denial was. Not an oversight. Not a busy prosecutor's shorthand. A deliberate, informed decision to meet a sworn record of misconduct with everything except a denial: to cite the rule he knew governed, apply only the half that favored his office, bury the half that did not, and slam the courthouse door on the merits before anyone could open it. That is not advocacy. Advocacy argues the facts. This buried them.

The violation is specific. Meeting a sworn record of misconduct with procedural objection and half-cited authority — never once with a denial — deprived Petitioner of the right to be reasonably heard, 18 U.S.C. § 3771(a)(4), and the right to be treated with fairness, 18 U.S.C. § 3771(a)(8). And the device

the Office reached for in October 2021 — Local Rule 7-3 — is the same device by which Petitioner's filings would be struck in 2021, and again in 2026. The weapon did not change. Only the year did.

G. The Court Relied on the Fabrication, Then Declined to Examine the Motion That Exposed It

That is the through-line of this entire record: at every stage, the Court relied on what the Office had built and declined to examine what would have exposed it. In 2018, this Court dismissed Petitioner's action with prejudice in reliance on Ramey's false declaration and the republished fabrication. In 2021, when Petitioner filed a separate § 3771 enforcement action, the Court dismissed it *sua sponte* by reaffirming and applying the same 2018 § 1983 subject-matter-jurisdiction ruling — without applying § 3771(d)(3)'s independent jurisdictional grant. (Apr. 2, 2021 Order ("The Court reaffirms its April 4, 2018 Order . . . .").) And when Petitioner filed his Rule 60(d)(3) motion placing the documented acts before the Court, the motion was struck on a disputed procedural ground before its substance could be reached.

At each stage, the same two things happened together. The Office republished the fabrication; the Court declined to correct it. The Office raised the victim's status and used it against him; the Court let it stand. The Office declined to deny a single documented act on the merits; the Court struck the motion that

documented them, without reaching one. Petitioner was left in the space between an office that would not retract and a court that would not look.

That pattern is not confined to the past. As recently as August 5, 2026 — weeks before this Petition — the United States Attorney's Office, in a filing on a related docket, described Petitioner's CVRA petitions as "broad allegations of government misconduct that courts have repeatedly rejected," while stating, on the very same filing, that "the government does not address them here in substance." Both cannot be true. A claim is not "repeatedly rejected" on its merits by an office that, in the same breath, declines to address its substance at all. The move is the one that has run through this entire record: characterize the victim's claims as resolved, while ensuring they are never actually reached.

And they have never been reached. No court has adjudicated Petitioner's victim's-rights or restitution claims on the merits. The 2018 dismissal rested on § 1983 and Federal Tort Claims Act jurisdiction — a framework with no bearing on victim status under the CVRA. The 2021 dismissal reaffirmed that jurisdictional ruling without ever reaching a victim's-rights question. (Ex. N.) The Rule 60(d)(3) motion was struck on procedure before the fraud was examined. A dismissal that never reached the merits is not a rejection of them. See *Costello v. United States*, 365 U.S. 265, 285 (1961); Fed. R. Civ. P. 41(b) (dismissal for lack of jurisdiction does not operate as an adjudication on the merits).

The violation of the Court's own duty is specific. To strike a victim's fraud-on-the-court motion on a procedural ground, without reaching the rights it asserted, violated 18 U.S.C. § 3771(a)(2), (a)(4), (a)(6), and the Court's duty to ensure those rights, 18 U.S.C. § 3771(b)(1). The claims this Court declined to reach have never been reached anywhere — a fact the Government itself confirmed weeks ago when it conceded it "does not address them . . . in substance." Those claims are now properly before this Court under § 3771(d)(3), which commands that they be taken up and decided forthwith.

H. The Institutional Conflict — the Office Opposed a Motion Naming Its Own

That pattern is not confined to the past. On August 5, 2026 — weeks before this Petition — the United States Attorney's Office chose to raise Petitioner's CVRA claims in another proceeding: a filing in the criminal matter of Petitioner's nephew, a case to which Petitioner is not a party, in which he has never appeared, and in which he has never had the opportunity to defend or answer. Petitioner did not inject his victim's-rights claims into that docket. The Government did. And having elected to place those claims before that court, the Office described them as "broad allegations of government misconduct that courts have repeatedly rejected" (Doc. (Ex. AA.) 864 at 4, Page ID #:11427), while stating, on the very same filing, that "the government does not address them here in substance" (id. at 5, Page ID #:11428). Both cannot be true. A claim is not "repeatedly rejected" on

its merits by an office that, in the same breath, declines to address its substance at all.

The result is a victim boxed on every side. In a proceeding he is not part of, the Government brands his claims rejected — where he has no standing to respond. In this proceeding, the one the statute directs him to, the Government has disclaimed service and refused to appear at all — so there is no one to respond to. And into that vacuum, the Court has reached for Local Rule 7-3 — faulting the victim for failing to confer with a party that will not enter the case — to strike his filings, unread, in a matter arising from a prosecution over which this Court has no oversight whatsoever. Attacked where he cannot answer; unanswered where he can file; struck for failing to confer with a party that refuses to appear. The move is the one that has run through this entire record: characterize the victim's claims as resolved, while ensuring they are never actually reached.

And they have never been reached. No court has adjudicated Petitioner's victim's-rights or restitution claims on the merits. The 2018 dismissal rested on § 1983 and Federal Tort Claims Act jurisdiction — a framework with no bearing on victim status under the CVRA. The 2021 dismissal reaffirmed that jurisdictional ruling without ever reaching a victim's-rights question.

The Rule 60(d)(3) motion was struck on procedure before the fraud was examined. A jurisdictional dismissal is not an adjudication on the merits, and it

cannot preclude the merits of anything. See *Costello v. United States*, 365 U.S. 265, 285 (1961); Fed. R. Civ. P. 41(b) (dismissal for lack of jurisdiction does not operate as an adjudication on the merits).

The violation of the Court's own duty is specific. To strike a victim's fraud-on-the-court motion on a procedural ground, without reaching the rights it asserted, violated 18 U.S.C. § 3771(a)(2), (a)(4), (a)(6), and the Court's duty to ensure those rights, 18 U.S.C. § 3771(b)(1).

The claims this Court declined to reach have never been reached anywhere — a fact the Government itself confirmed weeks ago when it conceded it "does not address them . . . in substance." Those claims are now properly before this Court under § 3771(d)(3), which commands that they be taken up and decided forthwith.

VI. THE SAME MECHANISM, REPEATED: FIVE YEARS OF VICTIM'S-RIGHTS FILINGS STRUCK ON THE SAME LOCAL RULE, THE SUBSTANCE NEVER ONCE REACHED

The institutional conflict just described did not resolve itself into a single denial. It hardened into a practice. Because the Crime Victims' Rights Act vests enforcement in the district court precisely so that a victim is not left to the mercy of the office that wronged him, the question becomes what this Court did when the victim brought that enforcement action here. The answer is a pattern:

substantive victim's-rights filings disposed of, *sua sponte*, on procedural grounds — the substance never reached, the rights never accorded.

The mechanism is always the same. On September 20, 2021, the Court struck Petitioner's Rule 60(d)(3) motion under Local Rule 7-3. On November 9, 2021, it struck the refiled motion under Local Rules 7-3 and 11-6. On August 14, 2026, it struck four of Petitioner's filings in this action under Local Rule 7-3. On August 18, 2026, it struck them again under Local Rule 7-3. Four strikes, across two actions, over five years — preceded by the July 2021 denial that began the sequence. Everyone turned on the same Local Rule 7-3 meet-and-confer requirement, wielded not to manage an adversary proceeding, but to end one before it could be heard. The same rule. The same victim. Four times.

The rights at issue are those the Crime Victims' Rights Act guarantees. Section 3771(b)(1) commands that "[i]n 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). Those rights include: the right to be reasonably protected from the accused, 18 U.S.C. § 3771(a)(1); the right to reasonable, accurate, and timely notice, § 3771(a)(2); the right to be reasonably heard, § 3771(a)(4); the reasonable right to confer with the attorney for the Government, § 3771(a)(5); the right to full and timely restitution as provided in law, § 3771(a)(6);

the right to proceedings free from unreasonable delay, § 3771(a)(7); and the right to be treated with fairness and with respect for the victim's dignity, § 3771(a)(8).

A. The 2021 Occasions — July, September, and November

In July 2021, Petitioner sought to have Respondent Wright disqualified from presiding over his Rule 60(d)(3) motion for fraud on the court — a motion that set out the documented misconduct of United States Attorney's Office officials. In September and November 2021, Petitioner filed and refiled that Rule 60(d)(3) motion. On each occasion, the motion's substance — the evidence of misconduct — was never reached on its merits.

On September 20, 2021, the Court struck Petitioner's Rule 60(d)(3) motion for "failure to comply with Local Rule 7-3." (No. 2:17-cv-07748, Dkt. 20 (Sept. 20, 2021) (Page ID #:541).)

On November 9, 2021, after Petitioner's counsel had filed a reply in support of the motion, the Court struck it again for "failure to comply with Local Rules 7-3 and 11-6." (No. 2:17-cv-07748, Dkt. 25 (Nov. 9, 2021) (Page ID #:776).) The Rule 60(d)(3) motion — subject to no time limit and no preclusion bar — was never decided on its merits.

The record forecloses any suggestion that Petitioner's victim status was unknown to the Court. Respondent Wright's own prior order identified Petitioner as a victim, reciting that federal authorities "had recovered over $26 million" in

the "investigation," that Petitioner's company Greenway would be "able to recover from an established victims' fund," and that the Western District of Missouri "agreed that Greenway would be added as a victim." (Apr. 4, 2018 Order, No. 2:17-cv-07748, Dkt. 13, at 2 (Page ID #:210).)

B. The Pattern Carried Forward — May 2026 Through August 2026

On May 14, 2026, Petitioner filed the instant Emergency Petition for enforcement of the Crime Victims' Rights Act. On August 14, 2026, the Court struck four of Petitioner's filings — his Emergency Petition, his Application to Take Up and Decide, his Notice of Clerical Error, and his Motion for Reasonable Protection — for "failure to follow Local Rules 6-1, 7-3, and this Court's generative artificial intelligence order." (Dkt. 35.) Petitioner refiled. On August 18, 2026, the Court struck the refiled versions again, under Local Rule 7-3. (Dkt. 43.)

As Petitioner established in his Emergency Notice of Refiling in Compliance, Local Rules 6-1 and 7-3 and the Court's generative-artificial-intelligence order are inapplicable to a Crime Victims' Rights Act enforcement action the statute commands be decided forthwith; a local rule may not subordinate the statute's "forthwith" command, and a meet-and-confer rule cannot be satisfied where the Government has not appeared and no opposing counsel exists. (Dkt. 37, at 15–16, 23–24.) Across two actions and five years, substantive victim's-rights

filings by this crime victim have been struck on the same Local Rule 7-3, and in no instance was the substance reached.

C. The Violations Are Specific, and Each Attaches to a Right the Statute Names

The violations are specific, and each attaches to a right the statute names. Every strike denied Petitioner the right to be reasonably heard, 18 U.S.C. § 3771(a)(4), because a filing struck before it is read is a filing never heard. Each was entered in defiance of the Court's own duty to ensure the victim is afforded his rights, § 3771(b)(1) — the duty inverted at the very moment of the strike. The five-year accumulation, in a matter the statute commands be decided forthwith, denied the right to proceedings free from unreasonable delay, § 3771(a)(7). And to strike a victim's filings while faulting him for failing to identify a status this Court's own order had already recorded denied the right to be treated with fairness and with respect for his dignity, § 3771(a)(8).

D. The Burden the Law Imposes Runs to the Victim — Not From Him

Underlying every strike is a premise the governing law does not contain: that the victim bears the burden of proving his way to rights that are his by operation of the offense. He does not. Nowhere in the Crime Victims' Rights Act, nowhere in the Attorney General Guidelines for Victim and Witness Assistance, and nowhere in the Justice Manual is a crime victim required to prevail in civil

litigation to establish his status, to "identify a criminal proceeding" as the price of being heard, to confer with a party that refuses to appear, or to complete a civil summons process before a protection request may be reached. None of these requirements exists in the law. Each was invented and imposed on this victim.

The statute runs the other way. Every affirmative obligation it creates is a duty owed to the victim, not a burden demanded of him. The government must make its best efforts to see that he is notified of and accorded his rights. 18 U.S.C. § 3771(c)(1). The Court must ensure that he is afforded them. § 3771(b)(1). The definition itself asks only whether he was directly and proximately harmed by a federal offense, § 3771(e)(2)(A) — not whether he litigated, proved, or earned anything. A victim does not qualify for his rights by winning a lawsuit or clearing a procedural hurdle. He holds them because he was harmed, and the law directs the government and the court to honor them.

That inversion is the through-line of this record. At every stage, an innocent Mexican-American grandfather, appearing on his own behalf, with no formal legal training, has been made to carry a burden the law places on others. He was told he must re-earn his status through civil litigation. He was faulted for failing to identify a proceeding the Court's own order had recorded. He was struck for failing to confer with a party that would not appear. He was made to satisfy a summons process the statute nowhere requires. On one side stood a United States Attorney's

Office and an Article III court, bound by affirmative duties to notify him, to confer with him, and to ensure his rights were afforded. On the other stood one man, unrepresented, asking only for the rights the statute already gave him. The institutions that owed him every duty-imposed hurdle after hurdle the law does not contain; the victim who owed them nothing was made to clear them alone — and faulted when he could not clear hurdles that should never have existed. That is not the enforcement of the Crime Victims' Rights Act. It is its precise inversion.

One of those struck filings was a request to be kept alive.

VII. A MOTION THE STATUTE COMMANDS BE DECIDED FORTHWITH — NOT A SUMMONS THE GOVERNMENT COULD IGNORE

The premise beneath every strike is that Petitioner failed to satisfy a procedural requirement. The record establishes the opposite: Petitioner satisfied every requirement within his power, and then satisfied requirements that did not even apply — and the Government, told in advance and served twice, simply refused to appear.

Petitioner served the Government and then served it again. On May 18, 2026, Petitioner retained a professional process server, who personally served the United States Attorney's Office for the Central District of California; the server's proof of service was filed with the Court. On June 2, 2026, the Office nonetheless sent Petitioner a service-of-process letter. In response, counsel acting in a limited-

scope capacity on behalf of the pro se Petitioner contacted the Office's Civil Chief, AUSA Daniel Beck, to ensure that all communications were conducted in a professionally sound manner and in accordance with the applicable rules. By letter dated June 19, 2026, counsel confirmed that the Office already had actual notice of the Emergency Petition, the exhibits, the civil cover sheet, and the Notice of Related Cases, and was "in no way prejudiced." Counsel then set out the governing law: that a Crime Victims' Rights Act petition asserts rights that "shall be asserted" by motion and decided "forthwith" under 18 U.S.C. § 3771(d)(3); that the Ninth Circuit treats CVRA enforcement as "a distinct statutory regime — assertion by motion, expedited decision, and mandamus review — rather than the ordinary civil pleading-and-summons sequence," *Kenna v. U.S. Dist. Court*, 435 F.3d 1011, 1017 (9th Cir. 2006); and that "[t]he summons-and-answer apparatus associated with damages litigation does not fit this proceeding." (Ex. Y, Beck Letter, June 19, 2026.)

Then Petitioner served the United States a second time, and formally. Though a Crime Victims' Rights Act motion needs no civil summons, on June 24, 2026, Petitioner completed service on both recipients Federal Rule of Civil Procedure 4(i) identifies — the United States Attorney's Office for the Central District of California, and the Attorney General of the United States at the Department of Justice in Washington, D.C. — by United States Postal Service

Priority Mail, each piece bearing its own tracking number and delivery confirmation. (Ex. W, USPS service receipts, June 24, 2026.) Between the professional process server in May and the Rule 4(i) service in June, whatever service the Government's letter purported to demand, it received — twice.

The Government did not answer. It did not appear. It did not confer. It filed nothing. Served personally in May, told in writing in June why the civil-summons apparatus did not govern, and then served again under Rule 4(i) — the Office declined to participate at all, and then let the victim's filings be struck for failing to confer with it.

That sequence forecloses the premise on which the strikes rest. The Court's August 18, 2026 order faulted Petitioner for "fail[ing] to cite any legal authority" that Local Rule 7-3 does not reach a Crime Victims' Rights Act action and warned of sanctions for "willful noncompliance." (Dkt. 43.) But the authority had been furnished — to the Government, in writing, months earlier: 18 U.S.C. § 3771(d)(3), *Kenna*, and *In re Davis*, each set out in the June 19 communication the Government never answered. And there was no noncompliance to be willful. A victim who serves the United States by a professional process server, serves it again under Rule 4(i) though the statute did not require it, states the governing law in advance, and asks the opposing party to engage has not defied any requirement. He has met everyone within his power — and exceeded them. What he cannot do

— what no litigant can do — is complete a conference with a party that will not appear.

The failure was never the victims. It was, in 2021 and again in 2026, the Government's — and the victim was made to bear it both times. One of the filings struck on that manufactured basis was a request for protection from an enterprise documented to eliminate witnesses.

VIII. A REQUEST TO BE KEPT SAFE FROM PHYSICAL HARM, FROM A VIOLENT CRIMINAL ENTERPRISE WITH A PROVEN TRACK RECORD OF ELIMINATING WITNESSES, STRUCK FOR FAILURE TO SCHEDULE A CONFERENCE

A. The Danger Is Documented, and the Right to Reasonable Protection Is Guaranteed

Among the filings struck under Local Rule 7-3 was one the Crime Victims' Rights Act guarantees a victim above nearly all others: a request for protection. 18 U.S.C. § 3771(a)(1) (right to be reasonably protected from the accused); 34 U.S.C. § 10607(c)(2). Petitioner asked to be protected from Group America.

Group America is a transnational criminal enterprise with a documented history of witness intimidation, bribery, and murder. (Ex. AA.)[2] Its members have been documented tampering with the jury in the federal racketeering trial of the

[2] *Powerful Serbian-American Drug Traffickers May Have Ties to Intelligence Agencies*, Organized Crime and Corruption Reporting Project (Sept. 1, 2020), https://www.occrp.org/en/project/group-america-a-us-serbian-drug-gang-with-friends-in-the-shadows/powerful-serbian-american-drug-traffickers-may-have-ties-to-intelligence-agencies.

New York City crime boss John Gotti.[3] They have been documented eliminating the witnesses who cooperated against them. These are not adjectives. They are the two things such an enterprise does to a witness: it buys the room, or it empties the chair.

The enterprise is not anonymous. Its ringleaders, Mileta Miljanić — a former bodyguard of Serbian President Slobodan Milošević — and his partner Zoran Jakšić, lead a network with historic links to the Serbian secret police and suspected ties to foreign intelligence services. The primary bad actor in the underlying scheme, David Dragan Selakovic, is the brother of Nikola Selakovic, the Minister of Foreign Affairs of Serbia and former Presidency Secretary to Serbian President Aleksandar Vučić. This is the enterprise, and these are the connections, that a federally identified crime victim asked a United States District Court to protect him from.

The threat is not hypothetical. It is not rhetorical. It is documented. It arises directly from the same enterprise that bribed Petitioner's own counsel and destroyed his meritorious federal litigation through a concealed litigation-funding machinery exceeding $100 million — the $28.5 million payment that abandoned Greenway's Florida case and the $9.1 million default that followed. The people

[3] *Fugitive Faces Charges in Gotti Jury Tampering Case*, The Ledger (Jan. 15, 2000), https://www.theledger.com/story/news/2000/01/15/fugitive-faces-charges-in-gotti-jury-tampering-case/.

who dismantled the victim's case by corruption are the people the victim asked to be protected from.

B. The Government Has Known of This Threat — Repeatedly — and Done Nothing

This is not a danger the government learned of for the first time in this Petition. It is a danger the government has been told of, in writing, again and again, for more than five years.

Petitioner formally notified DHS Agent Shawn Gibson on April 24, 2020, of the ongoing racketeering threat and expressly invoked his right to be reasonably protected from the accused. (Ex. O.) Gibson did not respond and did not notify Petitioner of a single right that notification triggered — not protection under 18 U.S.C. § 3771(a)(1), not notice under § 3771(a)(2), not conferral under § 3771(c)(1), and no obligation under 34 U.S.C. § 10607. Petitioner raised the danger again in the footnotes of his September 2021 Rule 60(d)(3) motion, and again in his October 2021 Rule 60(d)(3) motion. He raised it once more in 2025, in a formal complaint to the Department of Homeland Security Office of the Inspector General. Across every one of these notices, the government's response never varied: it received the notice, and it did nothing. It never responded. It never opposed the protection request on its merits. It never afforded a single measure of protection, and it never offered the victim any assistance of any kind.

A victim does not have to prove a threat again to a government that has filed away every notice he has already given. The right to be reasonably protected under 18 U.S.C. § 3771(a)(1) is not discharged by the passage of time or the accumulation of unanswered notices. It is discharged only by protection — which, across more than five years and every channel available to the victim, has never once been afforded.

C. The Court Struck the Request for Protection — for Failure to Confer With a Party That Refuses to Appear

That is the request this Court struck. It did not deny it on the merits. It did not find the threat overstated. It struck a documented crime victim's request to be protected from a witness-eliminating enterprise for one reason: Petitioner had not first scheduled a meet-and-confer conference under Local Rule 7-3.

A request for protection — struck, unread, for a scheduling formality.

With whom was he to confer? The United States Attorney's Office for the Central District of California disclaimed service on June 2, 2026. It has never appeared. It has never filed a single responsive pleading in this action. The Court faulted a crime victim for failing to confer with the one party that has refused, at every turn, to enter the case at all.

The Local Rule the Court invoked presupposes an opposing party. There is none. The conference the Court required cannot be convened, because the only party to convene it with will not appear. A victim was told to walk through a door

the government has bolted from the other side — and then faulted for standing in the hall.

The requirement has no source in the governing law. The meet-and-confer precondition appears nowhere in the Crime Victims' Rights Act, nowhere in the Attorney General Guidelines for Victim and Witness Assistance, and nowhere in the Justice Manual. And it cannot be reconciled with the statute's command. Section 3771(d)(3) directs that the court "shall take up and decide any motion asserting a victim's right forthwith." Not after a motion calendar. Not after a pre-filing conference. Forthwith. A precondition that delays a protection request until the victim confers with a party that will not appear is not merely unauthorized — it is incompatible with the mandate the statute imposes.

D. The Violations Here Are Not Procedural — and Each Attaches to a Right the Statute Names

The violations here are not procedural, and each attaches to a right the statute names. Striking a documented protection request, unread, denied the one right the Crime Victims' Rights Act places first: the right to be reasonably protected from the accused, 18 U.S.C. § 3771(a)(1). Conditioning that request on conferral with a Government that disclaimed service and refused to appear denied the reasonable right to confer, § 3771(a)(5), by making its exercise impossible and then faulting the victim for the impossibility. The government's silence in the face of a documented, active threat — first invoked on April 24, 2020, and unanswered

ever since — denied both protection, § 3771(a)(1), and notice of the rights that notification triggered, § 3771(a)(2). Delaying a safety request behind a precondition the statute nowhere authorizes denied the right to proceedings free from unreasonable delay, § 3771(a)(7), in direct defiance of the forthwith command of § 3771(d)(3). And because each of these occurred in a proceeding before this Court, the Court's own duty to ensure those rights, § 3771(b)(1), attached at the same moment — and, where the right at stake was protection from an enterprise documented to eliminate witnesses, that duty stood at its highest. It was not discharged. It was defied.

A court reaches for a meet-and-confer rule to defer a protection request only if it has the authority to hear the matter at all. That is the question that remains — and it was answered, wrongly, before this action ever reached a courtroom.

IX. THE INSTITUTIONAL ENTANGLEMENT ACROSS BOTH DOCKETS — AND A RELATEDNESS DETERMINATION THE ASSIGNED CHIEF JUDGE WAS NEVER PERMITTED TO MAKE

Petitioner first raised these issues on May 14, 2026, in his Emergency Petition, filed together with a Notice of Related Cases that designated the criminal prosecution of his nephew, *United States v. McCormick*, No. 2:20-CR-00346(B)-DMG, and invoked the mandatory referral mechanism of General Order 08-05, § 5.2. He served the United States Attorney's Office for the Central District of

California on May 18, 2026. The Government has never appeared, and has filed no responsive pleading.

The § 5.2 determination that Notice invoked was never made by the judge in whom it was vested. That determination — whether the two matters are related, and before which judge they belong — is committed by General Order 08-05, § 5.2 to the judge of the first-filed case: the Honorable Chief Judge Dolly M. Gee, to whom *United States v. McCormick* is assigned. Chief Judge Gee never had the opportunity to make it. On May 22, 2026, before any § 5.2 determination was made, the action was transferred to Respondent Wright by an order "Signed by Judge Otis D. Wright, II" — the case delivered to his own calendar by his own hand, ahead of the determination the General Order reserved for another judge. (Dkt. 11.)

No order acknowledged the omission. No party raised it. The mechanism the Notice of Related Cases invoked — the referral of the relatedness question to the Chief Judge of the first-filed case — was simply passed over, and the case proceeded before the judge to whom it had been delivered as though the determination reserved for another had already been made. It had not. The record contains no relatedness determination by Chief Judge Gee, because she was never given the case in which to make one.

There is a second reason this Court lacked the authority its rulings presumed. Every strike was entered in a Crime Victims' Rights Act matter arising from Operation Software Slashers — a federal prosecution investigated and charged in the Western District of Missouri, over which this Court has entered not a single order. Federal Rule of Criminal Procedure 18 placed that prosecution there, not here. So the irregularity runs on two tracks at once: on the civil-assignment side, the § 5.2 determination that belonged to Chief Judge Gee was never made; and on the underlying-prosecution side, the matter arises from a case Rule 18 committed to another district entirely. A court with no order in the prosecution, and no § 5.2 determination placing the related civil matter before it, nonetheless reached four times for the same local rule to avoid reaching the victim that prosecution produced — and, in striking his protection request, left him exposed to an enterprise documented to eliminate witnesses.

The entanglement that determination would have examined is documented by the parties' own records. The same counsel represented both sides of the line the Government now insists separates the two matters. Attorney Allison B. Margolin represented Petitioner on his Crime Victims' Rights Act matter at the same time she represented the defendant in *United States v. McCormick* — a concurrent representation established by her own signed retainer agreement, dated May 29, 2024, and confirmed by the Government's own August 5, 2026 filing,

which acknowledged her "representation of Mr. Escamilla, which allegedly began in May 2024 with full disclosure of her representation of defendant." (Doc. 864, citing Dkt. 861 at 11–12.) Petitioner's prior counsel in his 2021 CVRA matter were the same attorneys who represented the McCormick defendant.

The same office sits on both sides of the misconduct. The fabrication was first adopted in filings under former United States Attorney Nicola T. Hanna; it was republished and mischaracterized across multiple filings from July through October 2021 under Acting United States Attorney Tracy L. Wilkison and other USAO-CDCA officials; and in August 2026 the same Office branded the resulting record "repeatedly rejected." One institution, one fabrication, carried across a decade and three United States Attorneys.

Each of these facts bears directly on the substantial relationship between the two matters under Local Rule 83-1.3.1 and confirms the relatedness that the mandatory General Order 08-05, § 5.2 determination must weigh. It also exposes the hollowness of the Government's "repeatedly rejected" characterization from a second direction: Petitioner's 2021 CVRA matter, No. 2:21-cv-01910, was a proceeding in which the United States made no appearance and filed no responsive pleadings. A matter the Government never appeared in and never litigated cannot have been rejected on the merits — and the Government cannot now brand it as such.

Every procedural requirement imposed since has flowed from that irregularity. Rather than decide the Petition forthwith as § 3771(d)(3) commands, the Court demanded that the victim first complete a sixty-day civil summons-and-answer process before his petition could proceed — a requirement drawn from the ordinary civil litigation of adverse parties, imposed on a statutory victim's-rights motion the CVRA commands be taken up and decided at once. That requirement appears nowhere in the governing law. It is found nowhere in the Crime Victims' Rights Act, nowhere in the Attorney General Guidelines for Victim and Witness Assistance, and nowhere in the Justice Manual. Section 3771(d)(3) does not condition a victim's motion on the summons machinery of ordinary civil litigation; it commands the opposite. A sixty-day answer window the Government need never even invoke — imposed before a victim's protection and restitution claims may be heard, in a case placed on this Court's calendar before the assigned Chief Judge could determine whether it belonged there — is not a neutral procedural step. It is the same mechanism in another form: the victim required to complete a process built for an opposing party that refuses to appear, while the statute's "forthwith" command is subordinated to a civil-litigation timetable it was written to override.

Petitioner did what the rules required. He filed his Notice of Related Cases; he invoked § 5.2; he served the Government. The deviations that followed — the

transfer entered before the relatedness determination, the determination the assigned Chief Judge was never permitted to make, the civil-summons process imposed on a forthwith statutory motion — were not of Petitioner's making. They are documented on the parties' own record. Petitioner accordingly asks this Court to order that the § 5.2 determination be performed, and the relatedness question referred to Chief Judge Gee, as the General Order requires.

X. THE DAVIS FRAMEWORK: CONTROLLING NINTH CIRCUIT AUTHORITY, UNAVAILABLE BEFORE JUNE 2, 2025, THAT RESPONDENT WRIGHT HAS FAILED TO RECOGNIZE

The Crime Victims' Rights Act pathway Petitioner invokes is not a theory. It is the settled law of this Circuit, and it is binding on Respondent Wright's court.

In re Davis, 146 F.4th 710 (9th Cir. 2025) (as amended Aug. 1, 2025) (Koh, J.), holds that 18 U.S.C. § 3664(d)(5) authorizes a crime victim to petition for an amended restitution order where the victim "subsequently discovers" losses omitted from the initial restitution determination, with the 60-day clock running from discovery of the government's failure. Denial of such relief on a qualifying factual record is legal error reviewable by mandamus, and § 3771(d)(5)'s procedural limitations do not apply. Petitioner's losses from the Operation Software Slashers prosecution have never been disclosed, and the 60-day clock has not begun to run.

Decided June 2, 2025, *In re Davis* resolved multiple questions of first impression governing post-judgment restitution relief in this Circuit. It establishes a framework each element of which is satisfied by the documentary record already before this Court.

A. Element One — "No Prosecution Is Underway" in the District Where the Crime Occurred

The Operation Software Slashers prosecution against Selakovic and Blackburn was filed under seal in the Western District of Missouri in or about January 2015. No government official has ever disclosed to Petitioner whether that prosecution remains active, whether it resulted in a deferred-prosecution agreement, a plea, or a restitution order. Under *Davis*, 146 F.4th at 715, 720, and § 3771(d)(3)'s "no prosecution is underway" clause, jurisdiction lies in the district where the crimes occurred — here, the Central District of California, where the predicate offenses caused harm to Petitioner and Greenway.

B. Element Two — A § 3664(d)(5) Petition Is "Any Motion Asserting a Victim's Right"

Davis holds:

> A post-judgment motion to amend a restitution order under § 3664(d)(5) "fall[s] comfortably within 'any motion'" for purposes of § 3771(d)(3), and the word "any" in § 3771(d)(3) is "broad and all-encompassing." 146 F.4th at 722–23.

Petitioner's request for the relief authorized by § 3664(d)(5) is therefore before this Court as a "motion asserting a victim's right" within the meaning of § 3771(d)(3) — conferring on this Court both jurisdiction and the obligation to decide it forthwith.

C. Element Three — "Subsequently Discovered Further Losses"

Davis expressly holds that "further losses" includes losses the victim always knew about but did not know had been omitted from the restitution determination. 146 F.4th at 732. Petitioner has known at all times the magnitude of Greenway's losses; what he has never known — because the government has never disclosed it — is whether those losses were included in, excluded from, or never addressed by any Operation Software Slashers restitution determination. Under *Davis*, the victim's discovery of that omission is itself the "discover[y]" of "further losses" that triggers § 3664(d)(5).

D. Element Four — Good Cause for Non-Inclusion

Davis holds that government institutional failure supplies good cause under § 3664(d)(5). 146 F.4th at 732. Petitioner's showing exceeds that recognized in *Davis*: in March 2015, DHS Special Agent Gibson represented to Petitioner in a recorded meeting that Greenway would be eligible for compensation from an established victims' restitution fund — establishing documented reliance that § 3664(g)(1) authorizes — and the government thereafter affirmatively

misrepresented the conditions of the victim's exclusion. Where government institutional failure suffices, government affirmative misrepresentation that manufactured the victim's exclusion establishes good cause *a fortiori*.

E. Element Five — Timeliness Under the 60-Day Clock

Section 3664(d)(5) requires a petition for amendment within 60 days after discovery of further losses, and *Davis* holds that clock runs from the victim's discovery — not from the date of the government's error. 146 F.4th at 732. The clock has not begun to run, because the government has never disclosed whether any restitution determination was made. A clock that has not started cannot be missed. Moreover, Petitioner's § 3664(d)(5) cause of action, as construed by *In re Davis*, was not legally available in this Circuit before June 2, 2025; under Restatement (Second) of Judgments § 26(1)(c) (1982), a claim not legally available at the time of a prior proceeding is not barred by preclusion in a later one.

No § 3771(d)(5) limitation applies. *Davis* holds, in agreement with *Federal Insurance Co. v. United States*, 882 F.3d 348 (2d Cir. 2018), that § 3771(d)(5)'s procedural gates do not apply to § 3664(d)(5) petitions. 146 F.4th at 724–28. Denial of § 3664(d)(5) relief on a qualifying record is legal error reviewable by mandamus. Id. at 735 (quoting *Kenna v. U.S. Dist. Court for C.D. Cal.*, 435 F.3d 1011, 1017 (9th Cir. 2006)).

That is the framework Respondent Wright's court was bound to apply. *In re Davis* is binding Ninth Circuit precedent, controlling in every district court within the Circuit, including the Central District of California, and including Respondent Wright's courtroom. Confronted with a victim asserting exactly the rights *In re Davis* makes enforceable, the court did not decide the matter forthwith, did not reach the restitution question, and did not acknowledge the controlling authority at all. It struck the victim's filings instead. A district court is not free to disregard binding Circuit precedent, nor to substitute a local meet-and-confer rule for a statutory command the Ninth Circuit has held governs these very motions.

XI. THE MANDATORY VICTIMS' RESTITUTION ACT IMPOSED A MANDATORY, UNDISCHARGED RESTITUTION OBLIGATION AS TO PETITIONER

The Mandatory Victims Restitution Act ("MVRA"), 18 U.S.C. §§ 3663A, 3664, establishes mandatory restitution for qualifying federal offenses and prescribes the procedural framework for its determination. As the Ninth Circuit confirmed in *United States v. Kovall*, 857 F.3d 1054, 1064 (9th Cir. 2017), Congress enacted the MVRA to make restitution mandatory for certain crimes, including "any offense committed by fraud or deceit." 18 U.S.C. § 3663A(a)(1), (c)(1)(A).

The federal offenses committed against Greenway — including trademark infringement, trade-secret theft, and securities fraud by Selakovic and Michael J.

Ryan — constitute offenses committed by fraud or deceit within the meaning of § 3663A(c)(1)(A)(ii), making restitution mandatory. Under § 3663A(b)(1)(B), the district court must order restitution equal to the greater of the value of the property on the date of the loss or its value on the date of sentencing.

Under § 3664(d)(1), the attorney for the government must consult with all identified victims before submitting restitution amounts. Under § 3664(g)(1), "[n]o victim shall be required to participate in any phase of a restitution order" — codifying the principle that victims may rely on the government to discharge the restitution process on their behalf. Neither obligation was discharged as to Petitioner. The government proceeded through any restitution determination — if one was made at all — without ever consulting the formally identified Lead Victim of the prosecution, and it has never disclosed to Petitioner whether any restitution determination, order, or victims'-fund determination exists.

The consequence is direct. A mandatory restitution obligation attached to Petitioner as a documented federal crime victim, and a mandatory procedural framework governed its determination. Both were owed. Neither was performed. And the right to full and timely restitution the MVRA secures — the same right guaranteed by 18 U.S.C. § 3771(a)(6) — remains, to this day, unhonored.

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XII. PRAYER FOR RELIEF

WHEREFORE, pursuant to 18 U.S.C. § 3771(d)(3), 18 U.S.C. § 3771(a), 18 U.S.C. § 3771(e)(2)(A), 18 U.S.C. § 3663A(c)(1)(A)(ii) (offenses committed by fraud or deceit), 18 U.S.C. §§ 3664(d)(1) and 3664(d)(5) (as construed by *In re Davis*, 146 F.4th 710 (9th Cir. 2025)), and 34 U.S.C. § 10607, Petitioner respectfully requests that this Court enter an order:

1. TAKING UP AND DECIDING this Petition forthwith pursuant to 18 U.S.C. § 3771(d)(3), the United States District Court for the Central District of California being the district in which the relevant conduct occurred and continued between July 2021 and August 2026;

2. RECOGNIZING Petitioner's status as a federal crime victim under 18 U.S.C. § 3771(e)(2)(A) — directly and proximately harmed by the original federal offenses formally identified by DHS in March 2015 — and recognizing that Petitioner's rights under the Crime Victims' Rights Act have never been discharged or accorded;

3. PROVIDING Petitioner reasonable protection from the accused pursuant to 18 U.S.C. § 3771(a)(1) and 34 U.S.C. § 10607(c)(2), by directing the United States, through the appropriate components of the Department of Justice and its investigative agencies, to afford Petitioner the reasonable protection the Crime Victims' Rights Act guarantees against the documented enterprise from

which Petitioner sought protection, and to report to the Court, within fourteen days, the measures undertaken;

4. DECLARING that Local Rules 6-1 and 7-3 and the Court's generative-artificial-intelligence order are inapplicable to a Crime Victims' Rights Act enforcement action that 18 U.S.C. § 3771(d)(3) commands be decided forthwith, and that the repeated striking of Petitioner's filings on those grounds neither reached nor extinguished the rights asserted;

5. DIRECTING the United States, through the U.S. Attorney's Office for the Central District of California and any other appropriate component of the Department of Justice, to provide Petitioner — within fourteen days of this Court's order — written notice of his rights under 18 U.S.C. § 3771 and the Attorney General Guidelines for Victim and Witness Assistance, and a meaningful opportunity to confer with the attorney for the Government concerning the matters identified in this Petition;

6. DIRECTING the United States to disclose to Petitioner — within fourteen days of this Court's order — pursuant to 18 U.S.C. § 3771(a)(2) and 18 U.S.C. §§ 3663A, 3664(d)(1), and 3664(d)(5), whether any criminal prosecution, plea agreement, deferred-prosecution agreement, non-prosecution agreement, sentencing, forfeiture, restitution determination, restitution order, amended restitution order, or victims'-fund determination has been entered or is currently

pending in Operation Software Slashers proceedings, relating to or arising from the conduct against Petitioner and Greenway Nutrients, Inc. that gave rise to Petitioner's federal crime-victim status under 18 U.S.C. § 3771(e)(2)(A), and to identify the case number, docket status, and victim-rights status of any such proceeding;

7. ORDERING that the mandatory determination under General Order 08-05, § 5.2 be performed, and the related-case relatedness question referred to the Honorable Chief Judge Dolly M. Gee, the judge to whom the first-filed designated case, *United States v. McCormick*, No. 2:20-CR-00346(B)-DMG, is assigned;

8. REFERRING any appropriate compliance issue under 18 U.S.C. § 3771(f) to the Department of Justice Victims' Rights Ombudsman or other proper supervisory authority, if this Court finds such referral appropriate; and

9. GRANTING such other and further relief, declaratory and prospective, as this Court deems just and proper — Petitioner seeking no damages.

Dated: August 20, 2026

Respectfully submitted,

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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: August 20, 2026

Respectfully submitted,



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