

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DOUGLAS K. KINAN)
)
)
 Plaintiff,)
)
 v.) Civil Action No. 08-10477-WGY
)
 ROBERT M. GATES) **Judge William G. Young**
)
)
 Defendant)
)

**MOTION FOR THE HONORABLE CHIEF JUDGE MARK L. WOLF TO INTERVENE
AND FOR JUDICIAL/ADMINISTRATIVE REVIEW CONCERNING JUDGE WILLIAM
G. YOUNG'S DISCRETIONARY DECISIONS BASED ON SPECIAL AND
EXTRAORDINARY CIRCUMSTANCES PURSUANT TO THE RULE OF LAW, THE
EQUAL JUSTICE STANDARD, DUE PROCESS, THE "CLEAN HANDS" DOCTRINE,
ATTORNEY INTIMIDATION, FRAUD ON THE COURT AND THE CODE OF
CONDUCT FOR UNITED STATES JUDGES ADOPTED BY THE JUDICIAL
CONFERENCE OF THE UNITED STATES¹**

NOW COMES the Plaintiff, pro se, in CA No. 08-10477-WGY cross
referenced with CA No. 99-11855-WGY and CA No. 99-11465-WGY and
moves the Honorable Chief Judge Mark L. Wolf to intervene and
conduct a judicial/administrative review of Judge William G.
Young's discretionary decisions on the grounds that Judge Young
gave every benefit of the doubt to the Defense Contract
Management Agency's (''DCMA'') extensive pattern and practice of
verified criminal activity and deliberate acts of continuing
retaliation.

¹ "The Code of Conduct provides guidance for judges on issues of judicial integrity and independence, judicial diligence and impartiality, and the avoidance of impropriety or even its appearance. Judges may not hear cases in which they have either personal knowledge of the disputed facts, a personal bias concerning a party to the case...."

On September 28, 2009, Judge Young denied Plaintiff's Verified Motion and Memorandum dated September 24, 2009, without explanation.

Judge Young's decisions preempts the DCMA and the Department of Justice from responding to Plaintiff's "First Amended Complaint" and "Combined Verified Motion and Memorandum" filed with the Court on or about June 14, 2008 and September 24, 2009 respectively².

Judge Young's denial of Plaintiff's pleadings bends the law to protect crime, including the Department of Justice's participation in the willful and deliberate frame ups of many innocent citizens (even one is too many).

Judge Young's decision ignores relevant and material facts, defends the case for the Defendant, allows the DOJ to remain silent concerning their participation in criminal activity and, for a second time, demonstrates a bias toward Plaintiff's pro se status, which deprives Plaintiff of equal justice, due process and an evidentiary hearing on the merits. Judge Young has absolute and unequivocal evidence ~~to evidence~~ to prove a fraud on the court, which is contained in court records.

2 Neither AUSA Christine J. Wichers or the DOJ offered counterarguments or a defense to the verified criminal activity outlined in Plaintiff's pleadings except to characterize Plaintiff's lawful reporting and pleadings as being "irrelevant, repetitive, conclusory, inflammatory, prolix, disjointed, unintelligible, impenetrable, swollen with irrelevant rhetorical flourishes, muddled, personal and vindictive."

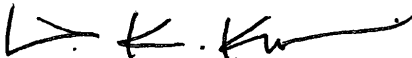
Judge Young never bothered to ask AUSA Wichers to explain in open court why Plaintiff's reporting of the DCMA's continuing violations to include, heinous and violent acts against women (and their children), sexual harassment, well planned discrimination, intentional exclusion of black candidates from working in the Equal Employment Office, quid pro quo promotions in exchange for false and/or tainted testimony or silence, suborning perjury, fabricating documents and reports to pretend complaints were investigated when they were not, frame ups, and widespread public corruption and criminal activity subsidized by millions of tax dollars is "irrelevant, repetitive, conclusory, inflammatory, prolix, disjointed, unintelligible, impenetrable, swollen with irrelevant rhetorical flourishes, muddled, personal and vindictive."

Judge Young's treatment toward overwhelming evidence of a rigged promotion and a verified fraud on the court coupled with the direct threat and intimidation of US Marshal Frank Dawson³ during a court proceeding should not be cavalierly overlooked by denying Plaintiff's motion. (See Attachment #1, Affidavit prepared for Judge Young, which was withheld and/or concealed and Attachment #2, Dawson's email dated March 27, 2009⁴.)

Judge Young's decision embraces the Defendants' verified criminal activity, subsidized by millions of taxpayer dollars and ensures the pattern and practices as outlined in my 30-page affidavit⁵ and verified complaints shall continue.

The truth, facts and evidence in the pleadings and the official government record are undisputed and self-evident. Judge Young ignored the weight of the evidence, which is violative of Plaintiff's vested legal right. (See Marbury v. Madison, 5 U.S.⁶)

Respectfully submitted,



Douglas K. Kinan
34 Glenburnie Road
Boston, MA 02132
617-323-6171
October 10, 2009

³ Dawson told Plaintiff that the [violations in Judge Wolf's court] was "none of Judge Wolf's business." Plaintiff disagreed with Dawson.

⁴ Dawson's told Plaintiff that if he reported public corruption to the Public Corruption Officer, Brian Kelly, that he would prosecute Plaintiff as a "stalker." Dawson stated that Kelly thinks that Plaintiff's reporting is "bothersome."

⁵ Plaintiff's required government participation in the Gerard Francis investigation. See also Plaintiff's affidavit in the Harrison complaint and the contemporaneous emails in the Virella frame up.

⁶ "Marbury v. Madison is a landmark case in United States law. This landmark decision helped define the 'checks and balances' of the American form of government." "One of the key legal principles on which Marbury relies is the notion that for every violation of a vested legal right, there must be a legal remedy."

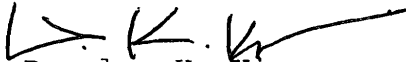
CERTIFICATE OF SERVICE

I, Douglas K. Kinan, hereby certify I served the within request, by First Class Mail, prepaid to:

Honorable Chief Judge Mark L. Wolf
John J. Moakley Courthouse
1 Courthouse Way
Boston, MA 02210

Christine J. Wichers
Assistant United States Attorney
John J. Moakley Courthouse
1 Courthouse Way, Suite 9200
Boston, MA 02210

Cornelius J.P. Sullivan
51 Ellison Street
Mattapan, MA 02126



Douglas K. Kinan
34 Glenburnie Road
Boston, MA 02132
617-323-6171
October 10, 2009

ATTACHMENT #1

AFFIDAVIT

STATE OF MASSACHUSETTS

COUNTY OF SUFFOLK

I, Douglas K. Kinan, of Suffolk County provide this affidavit to the Honorable Judge William G. Young, as a result of a March 25, 2009 effort to retaliate, harass, intimidate, humiliate and embarrass me, place my job in jeopardy and silence me concerning my reporting of public corruption, verified felony conduct and fraud on the court, condoned by United States Attorney Michael J. Sullivan's office, knowing that this sworn statement is not confidential.

In the interest of substantial and equal justice and in accordance with the United States Marshals Service, Judicial Security Division (JSD), which "is committed to the protection of the judicial process - by ensuring the safe and secure conduct of judicial proceedings and protecting federal judges, jurors and other members of the federal judiciary," I ask Judge Young to inquire as to who sent US Marshal Francis P. Dawson, Jr. ("Dawson") and why and whether or not Dawson's visit was meant to interfere with the judicial process in my federal civil complaint before Judge Young's court (08-10477 - WGY.)

There is no doubt in my mind that Dawson's visit was intended to scare, embarrass and silence me and interfere with my civil complaint. Dawson's visit was a disturbing and menacing act. Dawson had no authority coming to my job at the court and he had no business acting contrary to JSD responsibilities and his job. No judge or no judge's clerk in his or her right mind would have sent Dawson to see me. Dawson's visit demonstrates that someone in the US Attorney's office, once again, has no difficulty in destroying my livelihood and my reputation in the court.

I hereby solemnly swear and affirm:

DAWSON'S VISIT TO SUFFOLK PROBATE COURT - 10:30 a.m. to 10:50 a.m.

Upon my arrival to work on March 25, 2009, I was informed by employee, Tina Cole that at approximately 8:15 a.m. a US Marshall called, "looking for you." The call was forwarded to Peter Solomon who operates the switchboard.

Mr. Solomon informed me that he asked this US Marshall if he would like to be connected to my voicemail and leave a message. Dawson said, no, that he would come to my job and visit me.

At approximately 10:40 a.m., an individual walked into my office, which is open and public. In public view and earshot and approximately four feet from the line of attorneys who file court pleadings with me, Dawson showed a badge and credentials, introduced himself as US Marshal Frank Dawson. (Dawson's business card is: "U.S. Department of Justice, United States Marshals Service, Francis P. Dawson, Jr., "Frank," Deputy U.S. Marshal.")

Dawson told me that his visit to my job was prompted by a letter that I had faxed to Judge Gertner on February 26, 2009 (**Attachment #1**) dated February 24, 2009, and that he "should have been here on the 27th."

The timing of Dawson's visit, coupled with his comments corresponds more to my letter of March 24, 2009 (**Attachment #2**).

I asked Dawson who sent him to see me. His first version (Dawson gave three versions) was that Judge Gertner sent him and, "The judge don't want anymore letters." I informed Dawson that I admired Judge Gertner, I would not do anything to offend her or any judge in any way, I was complying with the federal statute and I had sent Judge Gertner and other members of the federal bench letters in the past, without consequence. Dawson then changed his story and said Judge Gertner's clerk sent him. In the afternoon during Dawson's follow up phone conversation he emphatically stated, "I'm doing this on my own."

I informed Dawson that I would not and did not send any threatening letters to anyone, I am not a violent person and essentially I have always had my daughters' reputation to anchor my conduct to all ethical, moral, legal and civic standards. Dawson said, "Neither was Kacynski" (referring to Una-Bomber, Ted Kaczynski).

Dawson told me that I was in violation of a federal law and that I am not supposed to send letters to judges. I informed Dawson that I work for the court, that his information was a surprise to me and that judges get letters here everyday. Dawson said that a "2007 federal law ("1521 or something") supported his claim but that he did not remember the cite. Dawson later changed his story and said he was recently in training and learned of this new law.

I informed Dawson that I was lawfully required to report felony conduct to a "judge" and asked him if he wanted to see the statute confirming such reporting. He said he did. I left my operations office to get the cite and returned with the letter to AUSA and Public Corruption Chief Brian Kelly dated December 24, 2007 (**Attachment #3**) showing the cite (18 USC 4 & 2(a), which was also footnoted in my February 24, 2009, letter, which Dawson claimed had prompted his visit.

Upon my return I closed the door because there was a line of attorneys approximately four feet away listening to our discussion, which was embarrassing. I asked Dawson to read the Kelly letter and that Kelly had never notified me that my letters offended him or anyone else. Dawson said he did not want to read the letter, folded it and placed it in his book. We both agreed that he should check with Kelly to see if I was "bothersome" and get back to me.

After Dawson read the footnote requiring reporting to a "judge" he said, it was not the "whole law," that the law has changed and proceeded to tell me that he was recently in training in which he learned of a new law, which prohibits letters being sent to judges. I informed Dawson that I had no knowledge of the new law, informed him that I would respect any law and asked him if he would send me that cite. He said he would.

We continued our discussion and I informed Dawson that I was reporting the frame ups of innocent individuals, other crime and public corruption, to include the current retaliatory frame

up of whistleblower Ken Pedeleose and that Kelly of the DOJ and Foley of the FBI refuse to investigate. I also informed Dawson that Foley thinks the frame-ups are amusing. I informed Dawson that unless there is a law that supercedes 18 USC 4, my lawfully required reporting needed to be recognized to prevent more harm to innocent individuals. Dawson again repeated that I should not be sending letters to judges.

Dawson then inquired as to how I got Judge Gertner's fax number. I informed Dawson that it was public information, contained in the Massachusetts Lawyers Diary ("Redbook") and/or I may have called Judge Gertner's office, using the "Redbook" to obtain her fax number. I asked Dawson if he wanted to see the Directory. He said he did. I gave him a copy of the "Redbook" pointing out the Federal District Court Directory on Page 19. He said it was a "2006" book. I offered him the 2008 version of the Redbook to my right and asked if he wanted to see that version. He said "no."

The timing and comments surrounding Dawson's visit corresponds, not to my letter of February 24, 2009 but to my letter of March 24, 2009, because during our discussion Dawson brought up the "Jeffrey Auerhahn" matter, which was previously before Honorable Judge Mark Wolf and told me that Auerhahn's conduct was "none of Judge Wolf's business." I disagreed with Dawson and informed him that Auerhahn's conduct was Judge Wolf's business and that Judge Wolf acted appropriately.

Dawson then informed me that his job requires him to check on people who are "bothersome" to the judiciary and to the United States attorney's office. I informed Dawson if that were the case then why haven't I received notice during the approximately 10 years that I have been notifying Kelly and others at the US Attorney's office. I asked Dawson if he would be sure to check with Kelly and with Foley to find out if my lawfully required reporting was "bothersome" and to let me know.

During the course of our discussion Dawson asked if I had a complaint in court. I told him I did. He also asked for my date of birth, twice, but not in succession. I informed Dawson there was no reason for him to have that information.

Dawson told me that I was "consumed" by this and to "get on with my life." Dawson said, "You have a good thing going here (meaning my job at the court), don't ruin it."

Dawson restated many times that I should not be sending letters to judges and that if there was no remedy from the US Attorney's office or the FBI that I should talk to the press. Dawson suggested that I talk with Shelly Murphy or Dave Abel at the Boston Globe.

AFTERNOON PHONE DISCUSSION WITH DAWSON - 12:50 - 1:08 p.m.

Walking into my administrative office for lunch, my phone indicated that I had a message waiting. It was from Dawson. I returned the call and left Dawson a voice message. He returned my call.

Dawson's tone was menacing and tough. He began by telling me that he was "extending my message to include no more letters to anyone at the US attorney's office." Dawson said that if I sent any more letters that he would, "come and talk to you again and open up a case against you,

then you'll go into a [national] database as an "inappropriate communicator." Dawson told me that [Kelly] said I was an "annoyance." "They don't want to hear from you. Don't even send them a Christmas card. They are not your friends."

I informed Dawson that all of my reporting to the Chief of Public Corruption, Kelly, was in the context of reporting crime, public corruption and verified felony conduct and reminded Dawson of the frame-ups, including the current frame up of whistleblower, Ken Pedeleose.

Dawson told me that I am "finding out too much" that I have the "propensity to stalk them." Dawson said, "I'm doing you a favor. I'm trying to nip it in the bud." I informed Dawson that I wouldn't threaten or stalk anyone.

Dawson told me that my reporting is nothing but "rumor, speculation, conjecture and hearsay." I informed Dawson that if the firsthand information in my thirty-page affidavit were false that I would not be talking to him from a courthouse. I informed Dawson that my affidavit was paid off to conceal the DCMAC's verified criminal activity, as were other cases.

I informed Dawson that my letters did not threaten anyone, there was no name-calling and no defamatory statements in my lawfully required reporting. Dawson told me, "It's how they perceive it." Each time I provided a fact to Dawson, he rebutted my facts with a comment about no more letters. Dawson repeated his belief that I was "consumed" by this.

I informed Dawson that his visit to my job was improper. He said he was just "doing his job." I informed Dawson that I would think about everything he said. Dawson said I could file a complaint, that he did not care.

Signed under the pains and penalties of perjury this 26th day of March, 2009.



March 26, 2009
Douglas K. Kinan

ATTACHMENT #2

Inappropriate Communication(s)

Friday, March 27, 2009 9:51 AM

From: "Dawson, Frank (USMS)" <Frank.Dawson2@usdoj.gov>
To: dougkinan@yahoo.com, douglas.kinan@jud.state.ma.us

Mr. Kinan,

I would like to reiterate what we discussed the other day, in person and on the phone. The U.S. Marshals attention was drawn towards you because you had originally sent an Inappropriate Communication (a fax) to Judge Gertner. But during our meeting you admitted sending letters to other Federal Judges, and also to several Assistant U.S. Attorney's.

As an agency that is responsible for the safety and security of the Federal Judiciary, as well as the U.S. Attorney's, the U.S. Marshal Service (USMS) is advising you that you should immediately cease from any further attempts to communicate with any Federal Judges or Federal Prosecutors.

If you do communicate with them in any fashion it will be construed as an Inappropriate Communication, and will be investigated by the USMS.

No Judge or Prosecutor seeks to have any communication with you at all.

Therefore the U. S. Marshals Service is politely advising you to not contact anyone mentioned above by any form of writing, e-mail, phone call or in any other manner. If you partake in any Inappropriate Communication(s) the U.S. Marshals Service will be calling on you to conduct an in-depth interview, so please comply with this advisory.

Remember I know we specifically discussed Judge Gertner and Assistant U.S. Attorney Brian Kelly, but you are prohibited from trying to communicate with any Judge or Prosecutor, with the exception of through a motion filed with the Court, and only in regards to a specific case you may have at the D/Mass U.S. District Court.

Thank you for your attention to this matter.

Frank Dawson
United States Marshals Service
Protective Intelligence Investigator

(617)-748-2575 office
(617)-594-7008 Cell
(617)-748-2579 FAX
