

Monday, 28 Jul 2008

SUBJECT: International Criminal Court, Office of the Prosecutor, Case Reference# OTP-CR-100/08, Supplemental Report on U.S. CASE H-08-60 HOUSTON, TX re: Geneva Convention Crime Violations, "principle of complementarity."

FROM: Kenneth MacKenzie, Uncle of PFC Kristian Vasquez Menchaca, 2314 Gentry, Houston, Tx 77009; Home Phone:713 609 9142; Cell:281 684 6028, kenmackenzie2000@yahoo.com , kennymackenzie@comcast.net URL link to eBook titles : <http://www.kristianmenchaca.com> > >

TO: International Criminal Court, Office of the Prosecutor, Case Reference# OTP-CR-100/08, Post Office Box 19519, 2500 CM, The Hague, The Netherlands, email otp.informationdesk@icc-cpi.int , facsimile +31 70 515 8555.

TO: FBI Houston, 2500 East TC Jester, Houston, Texas 77008-1300, (713) 693-5000; Houston Office(713) 693-5000; houston.texas@ic.fbi.gov ; Houston@fbi.gov (provided by FBI Desk Agent operator)

TO: United States Attorney Attorney General Mukasey, Care Of: Donald J. DeGabrielle, Houston, P.O. Box 61129, Houston, TX 77208; usatty.txs@usdoj.gov ; Carmen.reyes@usdoj.gov

To: Governor Rick Perry, Office of the Governor, P.O. Box 12428, Austin, Texas 78711-2428; Phone (512) 463-2000 : 8:00 a.m. to 5:00 p.m, **CARE OF:**

(1) Texas Governor Rick Perry, Main Switchboard:(512) 463-2000

... Office of the Governor PO Box 12428 Austin, Texas 78711-2428

greg.abbott@oag.state.tx.us

Captain Leal, Texas Rangers, Company "A," 12230 West Road, Houston, TX 77065; Phone:

281-517-1400, fanchon.carmichael@txdps.State.tx.us , regarding Complaint to United Nations International Criminal Court (U.N. ICC), **Office of the Prosecutor, Case Reference# OTP-CR-100/08 and regarding U.S. Case H-08-60, Houston:**

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Sent: TO: Chief of Texas Rangers, Texas Department of Public Safety

5805 North Lamar Blvd. Austin, Texas 78752-4422; (512) 424-2160; E-Mail: carol.masch@txdps.state.tx.us

Sent To: DPS Texas Ranger Col. & Investigator Department, Texas Department of Public Safety

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Criminal Investigations Division, 6161 Savoy, Suite 650, Houston, Texas 77036;

Criminal; Care of Lt Sonia Aelasquez & Marisa Bermudez;

Marisa.bermudez@oag.statetx.us ; Investigations Phone:(713) 267-3000 ; Fax: (713) 267-3025 Conference Unit: conferences@oag.state.tx.us , public.information@oag.state.tx.us

Crime Victim Services Division: crimevictims@oag.state.tx.us

Dear Ladies & Gentlemen:

We submit the enclosed required Crime information to you under mandated provisions pursuant to United States Code, TITLE 18 Section 2382. As informed by Texas Governor Perry's aide, "Tammy," who explained the Governor's Web site limits eMail size, format, and attachments, we, per instructions from her, are submitting the enclosed crime report and request that you forward this crime complaint to Texas Governor Rick Perry as required by United States Code, TITLE 18 Section 2382.

I do hereby complain to International Criminal Court, Office of the Prosecutor, Case Reference# OTP-CR-100/08, and do submit crime information as required under provision of United States Code, TITLE 18 Section 2382 to the Governor of the State of Texas, Rick Perry, and do report that U.S. Judge Gray Miller, as a judicial appointee of U.S. President Bush, violated provisions of USC, TITLE 18 Section 2382, "Misprision of Treason" and other U.S. code provisions, in maintaining conflict-of-interest jurisdiction during 22 Feb 2008 to 09 July 2008 and to the present, July 2008, on behalf of the Bush Executive (U.S. President Bush appointed Miller as U.S. Judge) in U.S. Case H-08-60, when Miller should have recused himself from U.S. Case H-08-60, and has aided and abetted the Bush Administration in promoting **"\$50,000 'DEATH SENTENCE' REWARDS"** assigned solely to captured U.S. soldier Prisoners of War as 'lowest life value' unto 'trash' worthlessness in Iraq as catastrophic contrast of U.S. \$25 Million Rewards for Terrorist life values, said conflict-of-interest jurisdiction by Miller in U.S. Case H-08-60 thereby aiding and abetting promotion of "\$50,000 'DEATH SENTENCE' REWARDS" by Judge Gray Miller, a Bush appointee as federal judge, wrongfully taking jurisdiction in conflict of interest to treasonably exert his influence to deny life saving rewards to captured \$50,000 Reward U.S. soldier Prisoners of War that would enable them to be 14th Amendment "EQUAL" to Bush's \$25 Million Dollar Reward terrorists, Miller voluntarily and

most corruptly acting as Henchman for Bush, **Miller thereby corruptly contributing to mutilation, torture, and murder of (3) U.S. Sgt Keith "Matt" Maupin (Body Remains found 30 March 2008 in Iraq), (5) U.S. PFC Byron Fouty (Body Remains found 09 July 2008 in Iraq), (6) U.S. Spec. Alex Jimenez (Body Remains found 09 July 2008 in Iraq), Miller thereby exerting his judicial influence in denying increased Rewards during 22 Feb 2008 to 09 July 2008 and to the present, 28 July 2008 for captured U.S. soldiers.**

Judge Miller ignored Plaintiffs' complaint that former Attorney General Gonzales and current Attorney General Mukasey had violated USC, TITLE 18 Section 2382, "Misprision of Treason," in their refusals to prosecute members of the U.S. Executive Branch for violating the U.S. Treason Act, USC Title 18, Section 2381 - Treason, **in setting Rewards for captured U.S. soldier Prisoners of War at a level of "\$50,000 'DEATH SENTENCE' REWARDS," said Rewards 500 times less than the 500 times higher \$25 Million dollar Rewards and Mega Million dollar Rewards the U.S. Executive Branch offered on behalf of Terrorists** at U.S. government Web sites that had an overall effect of preserving the lives of captured Terrorist Prisoners of War in Iraq and Afghanistan; yet, said "\$50,000 'DEATH SENTENCE' REWARDS" directly caused the mutilation, torture, and murders of ALL 100 percent of captured U.S. soldier Prisoners of War in Iraq and Afghanistan.

" USC Title 18, Section 2381 - Treason: Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason and shall suffer death, or shall be imprisoned not less than five years and fined under this title but not less than \$10,000; and shall be incapable of holding any office under the United States."

(SEE: <http://www.rewardsforjustice.net/>;
<http://www.fbi.gov/page2/feb07/rewards021207.htm>
; <http://www.fbi.gov/wanted/terrorists/fugitives.htm>).

SEE: Excerpt regarding "The principle of complementarity" explained at U.N. ICC Prosecutor site <http://www.icc-cpi.int/organs/otp.html&l=en> :

". . . The Preamble of the Rome Statute recognizes that the Court itself is but a last resort for bringing justice to the victims of genocide, war crimes, and crimes against humanity. . . . and reminds States of their duty to exercise criminal jurisdiction over those responsible for such crimes. Thus, the Rome Statute assigns the Court a role that is complementary to national systems.

". . . Emphasizing the primary responsibility of States to investigate and prosecute international crimes, the Statute provides that a case is inadmissible before the Court where the case is being investigated or prosecuted by a State which has jurisdiction over it, unless the State is unwilling . . . to carry out the investigation or prosecution. The Prosecutor is obliged to consider this requirement of the Statute when deciding whether or not to start an investigation.

SEE: International Criminal Court, Office of the Prosecutor Box 19519, 2500 CM The Hague, Netherlands <http://www.icc-cpi.int/organs/otp.html&l=en>
[End of excerpt]

Enclosed is my Brief on U.S. CASE H-08-60 HOUSTON, TX, in two parts.

Part One summarizes the Crime complaint rationales and explains why there is no U.N. ICC "principle of complementarity" operating in the U.S. Attorney General's office and why U.S. Judge Miller has thus far thwarted my efforts to have a trial by jury, while as a G.W. Bush Appointee to U.S. District Court, Judge Miller wrongfully manipulated himself into jurisdiction of U.S. CASE H-08-60 and thereby denied my application for Forma Pauperis and, at the same time, managed to delay movement on my efforts to increase U.S. offered \$50,000 'Death Sentence' Rewards for U.S. soldier Prisoners Of War up to \$25 Million reward for each U.S. soldier Prisoner Of War, thereby equalizing rewards for \$50 K captured U.S. soldier POW to be the same U.S. 14 Amendment equality as U.S. \$25 Million reward offers for Terrorists. During Miller's "Conflict of Interest" period in maintaining conflict-of-interest jurisdiction on behalf of the Bush Executive when he should have recused himself, all three remaining "Missing In Action" U.S. soldiers -- Sgt Keith "Matt" Maupin, PFC Byron Fouty, Spec. Alex Jimenez, terrorist captured U.S. soldier Prisoners of War -- were found dead in Iraq. Miller

effectively blocked Rewards of \$25 Million offered from several sources of U.S. CASE H-08-60 : 1. Rewards as might come from money awarded from U.S. CASE H-08-60; 2. Rewards as might come from money donated by the U.S. public to a Court secured Reward fund in U.S. CASE H-08-60.

Miller's obvious intent as White House 'Henchman' was to ignore POW like the White House was ignoring them. If these captured U.S. soldiers -- Sgt Keith "Matt" Maupin, PFC Byron Fouty, Spec. Alex Jimenez -- were alive when I filed my Case H-08-60 on 22 Feb 2008, then Miller substantially contributed to erecting obstacles against lawful efforts to save their lives. As a Bush appointee, he should have recused himself before wrongfully and corruptly taking "*conflict-of-interest*" jurisdiction that could cost "Missing In Action" U.S. soldier POW their lives while Judge Miller acted as Bush's Henchman from the bench. Miller made a very ugly case even uglier in taking jurisdiction that was likely outside his ministerial and discretionary scope in obvious conflict of interest.

Regarding this "*...principle of complementarity*" related to Case Reference# OTP-CR-100/08: commencing 08 January 2008, I previously sent several letters requesting the United States Attorney General to take action regarding the Geneva Convention violations manipulatively influenced and operated from the U.S. government Executive Branch, mostly as "virtually worthless low dollar reward life values," which directly caused the torture-murder of my Nephew, Kristian Vasquez Menchaca, said Geneva Convention violations that are obviously being manipulated from the culture of torture that pervades the U.S. Executive Branch of Government. U.S. Attorney General Mukasey has not responded to my service of U.S. Claim Form 95, which includes U.S. District Court Case H-08-60 and the Court required RICO Case Statement to clarify the Racketeer Influenced Corrupt Organization issues of U.S. District Court Case H-08-60.

Hence, with regard to "complementarity," U.S. Attorney General Mukasey has been non-responsive to Plaintiffs' Executive Claim Form 95 and has been non-responsive to U.S. Court Case H-08-60, and apparently does not intend to investigate or prosecute Plaintiffs' Geneva Convention War Crime complaints listed in U.S. District Court Case H-08-60 as he has not responded since January 2008 to Plaintiffs' previous filings.

While Plaintiffs' case H-08-60 is not like the KBR case in the U.S. Court of Appeals, for the Fifth Circuit, the recent ruling in KBR may also be applied to Plaintiffs' case H-08-60 if Judge Gray Miller issues a similar ". . .cannot try this case without an impermissible intrusion into the constitutional powers of the executive branch."

Recently the U.S. Court of Appeals, for the Fifth Circuit (New Orleans) ruled KBR's "conduct can be examined by a federal court without violation of the constitution's separation of powers," the appeals court said yesterday. "If KBR tortiously guaranteed safety when it knew there was no such safety, it may be liable for resulting injuries." The plaintiffs "must still demonstrate that the acts or omissions of KBR -- as opposed to those of the Army or Iraqi insurgents -- proximately caused their injuries," the appeals court panel said.

U.S. District Judge [Gray Miller](#) in Houston dismissed the KBR lawsuits in 2006, finding that he lacked authority to decide on cases so entwined with decisions made by the U.S. military. "The Army played an integral role in the planning and force protection for the fuel convoys," Miller wrote in dismissing Lane's case. "As such, the court finds that it cannot try this case without an impermissible intrusion" into the constitutional powers of the executive branch of U.S. government. To contact the reporters on this story: [Margaret Cronin Fisk](#) in Southfield, Michigan, at mcfisk@bloomberg.net; [Laurel Brubaker Calkins](#) in Houston at laurel@calkins.us.com.

See: Lane v. Halliburton, 06-20874, Smith-Idol v. Halliburton, 06-20905, and Fisher v. Halliburton, 06-20915, U.S. Court of Appeals for the Fifth Circuit (New Orleans) <http://www.bloomberg.com/apps/news?pid=20601072&sid=aqypPrbTbe.4&refer=energy> ; <http://www.google.com/search?sourceid=navclient&aq=t&ie=UTF-8&rls=GGLD,GGLD:2004-06,GGLD:en&q=KBR+lawsuit+judge+gray+miller>

Vasquez Menchaca Plaintiffs have also filed their Geneva Convention crime complaints against former Attorney General Gonzales at the Prosecutor's Office, U.N. International Criminal Court (ICC), The Hague, Case Reference# OTP-CR-100/08, describing said U.S. Officials' most wrongfully offered "U.S. \$50,000 'DEATH Sentence' Rewards" that the U.S. Executive Branch administratively advertised, which motivated Terrorists to violate Geneva Conventions, and Plaintiffs' U.N. ICC Case . . . OTP-CR-100/08 and further describing how said "\$50,000 'DEATH SENTENCE' REWARDS" assigned

solely to captured U.S. soldiers as 'lowest life valued' unto 'trash' worthlessness (in catastrophic contrast of U.S. \$52 Million Terrorist life values), thereby obviously motivated Terrorists and caused mutilation, torture, and murder of: (1) PFC Kristian Vasquez Menchaca & (2) PFC Thomas Tucker; (3) Sgt Keith "Matt" Maupin; (4) PFC Joseph Anziak; (5) PFC Byron Fouty; (6) Spec. Alex Jimenez.

Said "crime-tort-wrongdoing" is immediately apparent as mathematical reward disparities between "lowest U.S. offered \$50,000 Reward Life Values" of captured U.S. soldier POW as profoundly contrasted to "highest U.S. offered Mega-Million Dollar Reward Life Values," simultaneously offered on a scale of \$1 Million up to \$25 Million, reserved exclusively on behalf of "at-large" or captured Terrorists, but relentlessly and treacherously denying these same \$1 Million up to \$25 Million to captured U.S. soldier Prisoners of War.

Said \$50,000 versus \$25 Million reward disparities are immediately most obvious in their mathematical amounts that are five hundred times apart and indicating that U.S. soldier Prisoners Of War, after capture, are "suddenly and unexpectedly" Reward life valued at five hundred times lower Reward life Value of \$50,000 than antagonist Terrorist enemies of the United States at \$1 Million to \$25 Million. Said \$50,000 versus \$25 Million reward disparities clearly reveal the U.S. Executive view that (1) PFC Kristian Vasquez Menchaca & (2) PFC Thomas Tucker; (3) Sgt Keith "Matt" Maupin; (4) PFC Joseph Anziak; (5) PFC Byron Fouty; (6) Spec. Alex Jimenez were "Untermenschen-undermen" serving in an "Untermenschen-Army of \$50,000 soldiers. (SEE: <http://www.rewardsforjustice.net/>; <http://www.fbi.gov/page2/feb07/rewards021207.htm> ;<http://www.fbi.gov/wanted/terrorists/fugitives.htm>).

Whether the Reward viewing audience is the U.S. Public, the world, or Terrorist enemies of the United States, it is immediately apparent said unconstitutional U.S. offered \$50,000 Reward life values do slander, defame, and disparage life values of U.S. soldier Prisoners Of War "after capture" when contrasted to U.S. offered \$1 Million to \$25 Million on behalf of Terrorists before, during, and after capture, said \$1 Million to \$25 Million tilting larger Mega Million Rewards toward life favored "at-large terrorists and captured terrorists" whose lives were saved at capture as a consequence of said large Mega-million Reward amounts far exceeding the life saving effect of said relentless \$50,000 Reward life values.

Said \$50,000 versus \$25 Million reward disparities have clearly motivated \$25 Million dollar saved Terrorists to react to U.S. unconstitutional \$50,000 Reward-targeted U.S.

soldier POW by inflicting mutilation, torture, and murder on said 14th Amendment denied U.S. \$50,000 soldier Prisoners Of War "after capture."

It is obvious that U.S. unequal \$50,000 Reward life values do slander, defame, and disparage life values of U.S. soldier Prisoners Of War to such an extent that Potential Third Party Reward Informants interpret U.S. offered \$50,000 Reward life values as indicating U.S. soldier Prisoners Of War are virtually "worthless." Moreover, Terrorist enemies of the United States interpret U.S. offered \$50,000 Reward life values as indicating U.S. soldier Prisoners Of War are virtually "worthless" at "lowest U.S. offered \$50,000 Reward Life Values" compared to "highest U.S. offered Mega-Million Dollar Reward Life Values"

Thus, "lowest U.S. offered \$50,000 Reward Life Values" discourage Potential Third Party Reward Informants from risking their safety to inform on the locations of Terrorist captured U.S. soldier Prisoners Of War. At the same time, Terrorists are motivated by said "lowest U.S. offered \$50,000 Reward Life Values" to mutilate, torture, and murder said U.S. \$50,000 Reward Life Valued U.S. soldier Prisoners Of War.

U.S. Executive Branch deliberately manipulated "\$50,000 'Death Sentence' rewards" demonstrate that all one hundred percent of Terrorist-captured U.S. soldier Prisoners Of War have been mutilated, tortured, and murdered in Iraq as a consequence of said "\$50,000 'Death Sentence.'" The body count tells a horror story.

Operating together with said U.S. Executive Branch relentlessly enforced and premeditated (1) "lowest U.S. offered \$50,000 Reward Life Values" is the U.S. Executive Branch premeditated and relentless (2) "denial" of "highest offered U.S. Mega-Million Dollar Reward Life Values" for U.S. soldier Prisoners Of War.

The combination of (1) relentlessly enforced and premeditated "lowest U.S. offered \$50,000 Reward Life Values" synergistically operating with (2) the U.S. Executive Branch premeditated and relentless "denial" of "highest U.S. offered U.S. Mega-Million Dollar Reward Life Values" for U.S. soldier Prisoners Of War have consistently produced premeditated and expected mutilations, tortures, and murders of all one hundred percent of U.S. soldier Prisoners Of War in Iraq. This pattern of expected mutilations, tortures, and murders of all one hundred percent of U.S. soldier Prisoners Of War in Iraq is a U.S. Executive Branch premeditated and designed series of effects, relentlessly repeated as "patterns" that have resulted in mutilations, tortures, and murders of all one hundred percent of U.S. soldier Prisoners Of War in Iraq. These, therefore, are a series of (1) U.S. RICO crime violations and (2) U.S. Treason statute

crime violations and (3) Geneva Convention crime violations by reason of observable mathematical reward disparities between "lowest" level "U.S. \$50,000 Reward Life Values" and "denial" of "highest U.S. offered U.S. Mega-Million to \$25 Million Dollar Reward Life Values" for U.S. soldier Prisoners Of War that caused them to be tortured to death and murdered one hundred per cent of the time after capture in Iraq. No terrorist was ever U.S. Reward valued by *Ashcroft-Gonzales-Rice-Rumsfeld-Gates-Mukasey* at U.S. \$50,000 equivalent to a death sentence.

Said "lowest" level "U.S. \$50,000 Reward Life Values" were targeted exclusively at U.S. soldier Prisoners Of War, who *Ashcroft-Gonzales-Rice-Rumsfeld-Gates-Mukasey* were informed would be mutilated, tortured, and murdered as a direct consequence of their created and manipulated "lowest" level "U.S. \$50,000 Reward Life Values" targeted exclusively at U.S. soldier Prisoners Of War while *Ashcroft-Gonzales-Rice-Rumsfeld-Gates-Mukasey* bestowed "highest U.S. offered U.S. Mega-Million & \$25 Million Dollar Reward Life Values" applied by the U.S. Executive branch toward terrorists in such a manner that captured Terrorists in Iraq were held captive alive and were not mutilated or murdered when captured.

The U.S. Constitution does not empower the U.S. Executive Branch to perpetrate crimes and War Crimes against the American people during war time or any time. The American people fought their revolution to rid themselves of such criminality, moreover, held trials at Nuremberg, Germany at the end of WW2 that addressed Executive Branch Crimes against humanity.

Judge Gray Davis has already illustrated that he is predisposed to rule against human rights as in *Lane v. Halliburton*, 06-20874, *Smith-Idol v. Halliburton*, 06-20905, and *Fisher v. Halliburton*, 06-20915.

His ruling against Plaintiff Mackenzie's Application To Proceed Without Payment of the U.S. Court Case filing Fee illustrated Miller was willing to delay hearing of H-08-60 while the lives of Sgt Keith "Matt" Maupin, PFC Byron Fouty, Spec. Alex Jimenez, terrorist captured U.S. soldier Prisoners of War, who were listed as Missing In Action, presumed alive by the U.S. Army, their lives hanging in the corrupt Reward balance of \$50,000 during the time, 22 Feb 2008, Plaintiffs filed Case H-08-60 in U.S. District Court, Southern District of Texas, seeking equal \$25 Million dollar rewards for their lives.

It is obvious that Judge Gray Miller did not focus his judicial authority on any effort to consider that the lives of Sgt Keith "Matt" Maupin, PFC Byron Fouty, Spec. Alex Jimenez, who were listed as Missing in Action, presumed alive by the U.S. Army,

hung in the balance from the time, 22 Feb 2008, Plaintiffs filed Case H-08-60 in U.S. District Court.

Miller did nothing but focus on the \$450 filing fee for Case H-08-60 when he should have taken all possible action within his judicial scope to consider Case H-08-60 as it related to efforts to increase the U.S. Executive Branch offered "\$50,000 Dollar Rewards," which amounted to 'Death Sentences,' for Sgt Maupin, PFC Fouty, Spec. Jimenez.

Instead of focusing on the \$450 filing fee, Judge Miller rationally should have immediately addressed the questions of higher and equal \$25 Million dollar rewards for their lives sought by Plaintiffs to be increased to the "highest U.S. offered U.S. Mega-Million & \$25 Million Dollar Reward Life Values" then applied by the U.S. Executive branch toward terrorists and by thereby expanding the U.S. Mega-Million & \$25 Million Dollar Reward Life Values" reserved for terrorists to also be applied to save the lives of captured U.S. Prisoners of War -- Sgt Keith "Matt" Maupin, PFC Byron Fouty, and Spec. Alex Jimenez. Instead, Miller focused on the \$450 filing fee as more important.

The remains of Sgt Keith "Matt" Maupin were found 30 March 2008. The remains of PFC Byron Fouty, and Spc Alex Jimenez were recently found 10 July 2008.

As a Bush appointee, in conflict of interest, who would not recuse himself, Miller apparently considered his denial of Plaintiff Mackenzie's *Application To Proceed Without Prepayment Of Fee* -- \$450 -- as more important than the lives of captured U.S. soldier Prisoners of War in Iraq with "\$50,000 'DEATH SENTENCE' REWARDS" assigned solely to captured U.S. soldiers.

As a Bush appointee, in conflict of interest, who would not recuse himself from Case H-08-60, Miller, in a most egregious conflict of Interest, continued to exert and maintain control of Case H-08-60,

While the lives of Sgt Keith "Matt" Maupin, PFC Byron Fouty, and Spc Alex Jimenez, who were listed as Missing in Action, presumed alive by the U.S. Army, hung in the balance from the time, 22 Feb 2008, Plaintiffs filed Case H-08-60 in U.S. District Court until their remains were found. Sgt Keith Maupin's remains were found 30 March 2008. The remains of PFC Byron Fouty, and Spc Alex Jimenez were recently found 10 July 2008.

In essence, Judge Miller, in a most emphatically wrongful conflict of Interest, continued to exert and maintain control of Case H-08-60 while he intensely ignored the lives Sgt Keith "Matt" Maupin, PFC Byron Fouty, and Spc Alex Jimenez, Miller while

Miller obsessed on the \$450 filing fee as more important, thereby supervising unto paralysis any life-saving potential of Case H-08-60 to provide equal rewards to potentially save the lives of Sgt Keith "Matt" Maupin, PFC Byron Fouty, and Spc Alex Jimenez during the time frame from 22 Feb 2008 to 10 July 2008 during which time frame the bodies of said Terrorist captured Prisoners Of War -- Sgt Keith "Matt" Maupin, PFC Byron Fouty, and Spc Alex Jimenez -- were found in Iraq.

The United States Army continued to list Terrorist captured Prisoners Of War -- Sgt Keith "Matt" Maupin, PFC Byron Fouty, and Spc Alex Jimenez - as "Missing In Action" presumed alive while Judge Gray Miller had taken jurisdiction of Case H-08-60, in conflict of interest, as a Bush appointee and did exert control over Case H-08-60 until Sgt Keith "Matt" Maupin, PFC Byron Fouty, and Spc Alex Jimenez were found dead during the time frame from 22 Feb 2008 to 10 July 2008.

Had Judge Gray Miller not taken jurisdiction of Case H-08-60, in conflict of interest, as a Bush appointee exerting "conflict of interest" control over Case H-08-60 until Sgt Keith "Matt" Maupin, PFC Byron Fouty, and Spc Alex Jimenez were found dead, then it is possible that a U.S. District Court judge not in "conflict of interest" might have been assigned to Case H-08-60 and likely would have not ignored said Terrorist captured Prisoners Of War -- Sgt Keith "Matt" Maupin, PFC Byron Fouty, and Spc Alex Jimenez unto death and likely would have taken appropriate life saving measures different than Miller's morally wrongful inaction, which was a justice-obstructing and murderous supervision that prevented Case H-08-60 from being ethically considered and heard while Miller strenuously did nothing except deny Plaintiff's "Application To Proceed Without Payment Of Fee."

Judge Miller's jurisdiction of H-08-60 taken in "Conflict of Interest" is outside the Ministerial and Discretionary scope of U.S. District Court Judges. Judge Miller's jurisdiction of H-08-60 taken in Conflict of Interest was clearly more than a "Bad Faith" operation made by Judge Miller against Terrorist captured Prisoners Of War -- Sgt Keith "Matt" Maupin, PFC Byron Fouty, and Spc Alex Jimenez -- in dire need of rescue by the more favorable conditions that \$25 Million dollar Reward equalizations would have created on behalf of their lives in essentially the same manner as U.S. Mega-Million & \$25 Million Dollar Reward Life Values" reserved for terrorists were operating to save Terrorist lives in Iraq while Judge Gray Miller ignored all of the more favorable conditions that \$25 Million dollar Reward equalizations would have created on behalf of the lives of Terrorist captured Prisoners Of War -- Sgt Keith "Matt" Maupin, PFC Byron Fouty, and Spc Alex Jimenez - who were ignored unto death by

Judge Gray Miller who was maintaining jurisdiction and control of H-08-60 taken by him in Conflict of Interest, outside his ministerial and discretionary scope virtually acting in his "Private Person" persona.

Again, it should be emphasized : The United States Army continued to list Terrorist captured U.S. Prisoners Of War -- Sgt Keith "Matt" Maupin, PFC Byron Fouty, and Spc Alex Jimenez - as "Missing In Action" presumed "alive" while Judge Gray Miller had taken jurisdiction of Case H-08-60, in conflict of interest, as a Bush appointee and did exert control over Case H-08-60 in a manner that indicates Judge Gray Miller, in most wrongful "Conflict of Interest" took jurisdiction with the apparent intent of ignoring Terrorist captured U.S. Prisoners Of War -- Sgt Keith "Matt" Maupin, PFC Byron Fouty, and Spc Alex Jimenez - "to death." And, in fact Sgt Keith "Matt" Maupin, PFC Byron Fouty, and Spc Alex Jimenez were listed by the United States Army as "Missing In Action" presumed "alive" when Miller took jurisdiction. Sgt Keith "Matt" Maupin, PFC Byron Fouty, and Spc Alex Jimenez were recovered dead while Judge Gray Miller supervised his own intense "doing of nothing," yet exerting control of Case H-08-60.

His \$450 denial indicates that Miller considers captured U.S. soldier Prisoners of War in Iraq are less important than a \$450 U.S. Court filing fee as established by Miller's behavior "OF RECORD" in consideration of the most important life and death issues in this matter. His denial indicates that Miller considers captured U.S. soldier Prisoners of War in Iraq targeted with "\$50,000 'DEATH SENTENCE' REWARDS" assigned solely to captured U.S. soldiers are less important than equal U.S. Fourteenth Amendment Rewards for captured U.S. soldier Prisoners of War in Iraq and that the \$450 U.S. Court filing fee is the most important consideration, the \$450 U.S. Court filing fee more important even beyond the life and death considerations of captured U.S. soldier Prisoners Of War facing eminent death at the hands of Terrorists.

(35) That Miller defines himself as a "\$450 U.S. Court filing fee Judge," said \$450 U.S. Court filing fee apparently even more important to Miller beyond the life and death considerations of captured U.S. soldier Prisoners Of War facing eminent death at the hands of Terrorists is an issue that should be exhaustively examined in the U.S. Court of Appeals.

(38) These several conditions and situations clearly reveal that for the purpose of proving to Terrorists and the world, the U.S. Executive Branch was offering \$50,000 Rewards for its captured U.S. soldier Prisoners Of War who were displayed, paraded, and exhibited via U.S. News Media Broadcasts, as deliberately and obviously assigned a low life value to indicate that their "Reward life value" and that their "RANSOM" life

members similarly situated,

Plaintiffs,

CLAIM CIVIL ACTION:

Class Action regarding:

- (1) The four Geneva Conventions (I,II,III,IV)
of 12 August 1949 for the protection of war
victims

<http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/genevaconventions>

<http://www.yale.edu/lawweb/avalon/lawofwar/geneva02.htm>

<http://www.yale.edu/lawweb/avalon/lawofwar/geneva03.htm>

<http://www.yale.edu/lawweb/avalon/lawofwar/geneva07.htm>

- (2) Protocol I and II Additional to the Geneva
Conventions of 12 August 1949, and relating
to Protection of Victims of International
Armed Conflicts (Also SEE: Protocol I,
Article 11 - Protection of persons, ¶ 1,
8 June 1977

<http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/genevaconventions>

- (3) USC Title 18, Section 1961, et.seq.,
RICO Act

against

Defendant #1, U.S. Justice Department, United States Executive Branch Of Government,
Alberto Gonzales, Attorney General of the United States, Defendant -

Emended and Revised APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEE (Forma Pauperis).

(1) The primary public record issues of this complaint are Geneva Convention "War Crimes" and U.S. Code Title 18 crimes perpetrated against Terrorist-captured U.S. Soldiers, PFC. Kristian Menchaca and PFC Thomas Tucker, both tortured to death in Yosifiya, Iraq, June 2006, as a consequence of the following described criminal violations of the United States Codes and Geneva Conventions of 1949 and Geneva Protocols of 1977 emanating from "manipulated" U.S. Reward refusal that denied captured U.S. soldier Prisoners Of War "Fourteenth Amendment Equal Protection Rewards" at the

same equality as the U.S. \$25 Million Dollar Rewards bestowed on the "Reward Life Value" of the very same Terrorists who were holding as captive said U.S. soldier Prisoners Of War and thereby also denying captive U.S. soldiers Geneva Convention Protection targeted at U.S. soldier Prisoners Of War, said denials become "\$50,000 'DEATH Sentence' Rewards" perpetrated by Defendant Attorney General Gonzales and the "Interested Party," Secretary of State Rice, which affect "volunteer" Federal troops & State National Guards.

(2) Said U.S. "wrongfully manipulated" {1} U.S. Reward denials and {2} "\$50,000 'DEATH Sentence' Rewards" as crime offense catalysts directly motivated terrorist captors to mutilate, torture, and murder U.S. soldier Prisoners Of War, said (1) "manipulated" U.S. Reward denials denying captured U.S. soldier Prisoners Of War "Fourteenth Amendment *Equal Protection*" of U.S. Reward Laws operating together with (2) U.S. Attorney General perpetrated "\$50,000 'DEATH Sentence' Rewards" offered by the U.S. Executive Branch for U.S. soldier Prisoners Of War operated together in a manner that guaranteed consequences of mutilation, torture and death targeted at U.S. soldier Prisoners Of War.

(3) Meanwhile, U.S. Executive Branch Perpetrators proclaimed, published, advertised, and paid {3} U.S. \$25 Million "LIFE-SAVING" Rewards for Terrorists that have accomplished a 'mega-million' life-saving-effect on behalf of captured Terrorists in Iraq.

(4) Perpetrated by Defendant Attorney General Gonzales and others and his replacement, Attorney General Michael B. Mukasey, the conditions of (1) U.S. Reward denials and (2) "\$50,000 'DEATH Sentence' Rewards" and (3) U.S. \$25 Million "LIFE-SAVING" Rewards for Terrorists produced a U.S. Executive Branch premeditated situation of slanders and defamations of U.S. soldier Prisoners' Of War "Reward Life value," and established that the U.S. Executive Branch of government was thereby advertising that terrorist-captured U.S. soldier Prisoners Of War were targeted with a "Reward Life value" equivalent to "trash," in the Moslem culture of Iraq, at a level of "\$50,000 'DEATH Sentence' Rewards."

(5) Plaintiffs ought not be assessed court fees on this litigation seeking to address these important U.S. National Defense and terrorism issues, herein, that relate to the safety of terrorist-captured U.S. Military personnel during wartime in Iraq. The U.S. Executive Branch -- BUSH, Attorney Gnl Gonzales, Sectry Rice -- has proclaimed, published, advertised, and paid U.S. \$25 Million "LIFE-SAVING" Rewards for Terrorists that have accomplished a 'mega-million' life saving effect on behalf of captured

Terrorists due to the fact that the U.S. Executive Branch offered mega-million dollar Rewards for certain terrorists indicating said U.S. mega-million dollar Rewards with \$25 Million "LIFE-SAVING" Rewards were offered for the surrender of live terrorists ; and, meanwhile, the U.S. was simultaneously offering LOWER U.S. \$50,000 "DEATH Sentence" Rewards for captured U.S. troops, said "\$50,000 'DEATH Sentence' Rewards" in violation of Geneva Conventions in that said "\$50,000 'DEATH Sentence' Rewards" manipulatively motivated and inspired Terrorist Captors to mutilate, torture, and murder captured U.S. soldier Prisoners of War to make captured U.S. soldiers examples of Terrorist disdain against said "\$50,000 'DEATH Sentence' Rewards."

(6) Said "\$50,000 'DEATH Sentence' Rewards" are U.S. Administrative crimes directly linked to Terrorists inflicting said War Crimes as virtual surrogates reacting to Defendant Gonzales and other Executive Branch Interested Party created, manipulated, and Media Broadcast "\$50,000 'DEATH Sentence' Rewards."

(7) Said U.S. Mega-million-\$25-Million dollar Reward valued Terrorists who were responsible for murdering "POW" Sgt Keith Maupin, PFC Byron Fouty, Spec. Alex Jimenez, and torturing PFC Kristian Menchaca and PFC Thomas Tucker and PFC Joseph Anziak to death in a manner worse than Jesus Christ was tortured, were "Reward-life-valued" five hundred times higher than the U.S. \$50,000 life Rewards offered for PFC Kristian Menchaca and PFC Thomas Tucker and other U.S. soldiers tortured and murdered in Iraq as a consequence of U.S. Executive Branch premeditated and planned "\$50,000 'DEATH Sentence' Rewards" that have proved to be "\$50,000 'DEATH Sentences' against captured U.S. soldier Prisoners of War in Iraq as wartime "\$50,000 'DEATH Sentences' in violation of the Geneva Conventions and U.S Crime Code, and U.S. RICO Act. (SEE: <http://www.rewardsforjustice.net/> ; <http://iraq.pigstye.net/> ; <http://www.fbi.gov/page2/feb07/rewards021207.htm> ; <http://www.fbi.gov/wanted/terrorists/fugitives.htm> ;).

(8) This most foul, depraved, and perversely malevolent U.S. Executive Branch "Administrative '\$50,000 Reward' treachery" was originally "PERPETRATED" by U.S. Attorneys General Ashcroft in April 2004 commencing with a U.S. life destroying \$50,000 dollar Reward targeted by former U.S. Attorney General Ashcroft against terrorist-captured U.S. soldier, Sgt. Keith Maupin.

(9) Said malevolent and malfeasant U.S. Executive Branch "Administrative '\$50,000 Reward' treachery" against the terrorist-captured U.S. soldier, Sgt. Keith Maupin, continued after U.S. Attorney General Gonzales took Office, (& continues under Attorney General MuKasey, today), and also was "PERPETRATED" by U.S. Secretary of State Rice and

was further "PERPETRATED" by Defense Secretaries Rumsfeld and Gates, all these officials 'PERPETRATING & advertising' PERVERSELY LOW-LIFE-VALUE, "TORTURE-DEATH-CAUSING \$50,000 Rewards" in the "field" of the combat theater of Iraq for the lives of captured U.S. soldiers while, "at-the-same-time and simultaneously," denying captured U.S. soldiers higher life rewards that said U.S. Cabinet Secretaries had created and advertised in a manner that operated to save lives of captured terrorists in Iraq, emphatically offering contrasted higher life rewards for said U.S. Mega-million-\$25-Million dollar Reward valued Terrorist enemies of the United States, said higher rewards posted by U.S. Attorneys General Ashcroft, Gonzales, and MuKasey, also by U.S. Secretary of State Rice, and by Defense Secretaries Rumsfeld and Gates, said higher rewards for enemies of the United States posted on the internet at the U.S. Department of State and at Department of Justice, "REWARDS FOR JUSTICE" Websites, that saved the lives of Terrorists while at the same time contributing to the U.S. Executive Branch Administrative murder of captured U.S. soldier Prisoners of War (SEE: <http://www.rewardsforjustice.net/>; <http://www.fbi.gov/page2/feb07/rewards021207.htm> ;<http://www.fbi.gov/wanted/terrorists/fugitives.htm>)

(10) Said much "HIGHER life saving Rewards of \$1 Million to \$25 Million for said U.S. Mega-million-\$25-Million dollar Reward valued Terrorist enemies of the United States had the "TREASONABLE" effect of devaluating and defaming lives of said "U.S.-Executive-undervalued-\$50,000-soldiers" alongside "U.S. Executive higher Reward valued \$25 Million Terrorist enemies of the United States" during wartime.

(11) Mutilations, tortures, and murders of all one hundred percent of captured U.S. soldier Prisoners of War were caused by said treacherously low life-value U.S. "\$50,000 'DEATH SENTENCE' Rewards," a lowest life level that immediately indicated U.S. POW were viewed by the U.S. as valueless 'undermen trash.' Said "U.S. \$50,000 'DEATH SENTENCE' Rewards" thereby motivated said U.S. Mega-million-\$25-Million dollar valued Terrorists to mutilate, torture, and murder "U.S.-low-Reward-life-valued U.S. Prisoners of War," in violation of Geneva Conventions, offered by the U.S. Executive Branch for captured U.S. soldier lives after capture in Iraq, said "\$50,000 'DEATH SENTENCE' Rewards" created and issued by U.S. Attorney Generals of the United States and by the U.S. Secretary of State within their authority mandated under United States Codes (USC), including USC, Title 22 that provided the Attorney General and Secretary of State empowerment to set and pay Rewards under oversight of the President of the United States.

(12) Thus, the "\$50,000 Death Sentence Reward" life-worthlessness that targeted captured U.S. soldier Prisoners of War provably motivated al Shura and al Qaida terrorists to mutilate, torture, and murder terrorist-captured U.S. soldiers -- (1) Private Kristian Vasquez Menchaca & (2) PFC Thomas Tucker; (3) PFC Joseph Anziak; (4) Sgt Keith "Matt" Maupin; (5) PFC Byron Fouty; and (6) Spc Alex Jimenez -- to make mutilated, tortured, and murdered examples of them in violation of Geneva conventions. The U.S. Executive Branch government was well informed that the low dollar amount of said "U.S. \$50,000 Death Sentence Rewards" would indicate that captured U.S. soldier Prisoners of War had virtually no Reward life value. The high mega-million to \$25 million dollar Reward life values set by the U.S. government on the lives of at-large and captured terrorists contrasted even more with said "U.S. \$50,000 Death Sentence Rewards" and even more guilefully indicated that the U.S. Executive Branch considered its troops as so extensively worthless that they were monetarily worth 500 times less than the terrorist enemies of the United States. Thus, the dollar amount of said "U.S. \$50,000 Death Sentence Rewards" indicated "indifference" and indicated an attitude of disdain in what amounted to worthless Reward life value for captured U.S. soldier Prisoners of War. This point was well understood by insurgent Terrorists in the Iraq War Theater who are part of a Moslem culture that recognizes a monetary value of human life and recognizes that human life value can be set higher or lower with so-called "Blood Money" indicating life value. "Blood Money" indicating life value is an acceptable part of Moslem culture to Moslems.

(13) Thus, the "lowest-\$50,000-dollar-life-value" U.S. soldier POW captured in Iraq by Terrorists was more likely to be tortured to death and murdered by his captors than a captive worth \$25 Million dollars. The \$50,000 versus \$25 Million dollar amounts are simple math amounts understood by the U.S. Executive Branch Defendant Gonzales and his Executive Branch "Interested Party" co-conspirators as indicating life-worth in the Moslem culture of Iraq. Defendant Gonzales and his Executive Branch "Interested Party" co-conspirators understood that "lowest-\$50,000-dollar-life-value" captured U.S. soldier POW would be more likely to be tortured and murdered at a "lowest-\$50,000-dollar-life-value."

(14) Torture and death is exactly the fate that the U.S. Executive Branch, Ashcroft, Gonzales, Rice, Rumsfeld, Gates, and MuKasey were well informed that awaited captured U.S. soldiers targeted with said & 50,000 'Death Sentences' emanating from their U.S. Executive Branch "Culture of Torture" in violation of the Geneva Conventions.

(15) U.S. Executive Branch Defendant Gonzales and Interested Parties Rice and Rumsfeld, well informed of the history of Moslem Jihadist "mutilation, torture, and murder" culture, offered the lowest "\$50,000 'DEATH SENTENCE' REWARDS" that "deliberately manipulated, slandered, and defamed Pfc. Kristian Vasquez Menchaca and Pfc Thomas Tucker to the 'lowest' of REWARD LIFE VALUES" offered by the United States in Iraq and amounted to "\$50,000 'DEATH SENTENCE' REWARDS." Said "deliberately manipulated, life-value slanders, and life-value defamations resulting in "mutilation, torture, and murder" are "prohibited" as War Crime acts under the Geneva Conventions (III) of 1949 and Geneva Protocols of 1977.

Said "deliberately manipulated, life-value slanders, and life-value defamations amounting to "\$50,000 'DEATH SENTENCES'" are also prohibited by the Geneva Conventions. Yet, the U.S. Executive Branch relentlessly and treasonably brought all said Geneva Convention prohibited offenses in "\$50,000 'DEATH SENTENCE' REWARD manipulations against captured U.S. soldier Prisoners of War in Iraq with such repetitive intensity that all one hundred percent of captured U.S. soldier Prisoners of War in Iraq were tortured to death and murdered by Terrorists in violation of the Geneva Conventions.

(16) Hence, the U.S. White House, in "bad faith" violation of said Geneva Convention "prohibited acts" and in "bad faith" violation of U.S. Title 18 Crime laws was administratively encouraging and motivating the "mutilation, torture, and murder" of "captured U.S. Soldier Prisoners of War" after laying down their arms. Thus, U.S. White House administratively manipulated murder of captured U.S. troops was in violation of the Geneva Conventions by proclaiming said "\$50,000 'DEATH SENTENCE' REWARDS," which profoundly and Treasonably did contrast with the mega-million to \$25-million-dollar life-saving Rewards the U.S. White House offered alongside for Terrorist Life Values, saving Terrorist lives and far above "\$50,000 'DEATH SENTENCE' REWARDS" assigned to captured U.S. soldiers. SEE: "REWARDS FOR JUSTICE"

<http://www.rewardsforjustice.net/> ; <http://www.fbi.gov/page2/feb07/rewards021207.htm>
; <http://www.fbi.gov/wanted/terrorists/fugitives.htm> .

(17) In essence, Defendant Gonzales had blurred and blended the meanings of "Rewards" and "Ransoms" to make it appear as if the U.S. government "does not deal with terrorists" by Gonzales limiting the "\$50,000 'DEATH SENTENCE' REWARDS" assigned solely to captured U.S. soldiers, when, in fact, the paying of Rewards to "Third Party non-terrorist 'Informants' is not the same as paying Ransoms directly into the hands of Terrorist Captors of U.S. citizen-soldiers.

(18) The U.S. White House could have offered \$25 Million Rewards for captured U.S. Soldiers and at the same time maintained a "ZERO-RANSOM" policy and also could have maintained a "WE-DON'T-DEAL-WITH-TERRORISTS" policy without violating its principle of refusing to deal with Terrorists due to the fact that Rewards are typically paid to "Third Party non-terrorist 'Informants'" and are NOT PAID, like Ransoms, into the hands of Terrorist Captors. *Thus, there is a profound difference between a "\$25 Million Dollar 'Reward'" and "\$25 Million Dollar 'Ransom.'"* Defendant Gonzales and the U.S. Executive Branch "Interested Parties" were well informed of this difference.

(19) In fact, the U.S. Executive Branch was offering and paying large Mega-Million dollar REWARDS for Terrorists during the course of the Iraq War without terming their Reward offers for Terrorists as "RANSOM." Yet, Gonzales and said U.S. Executive Branch "Interested Parties deliberately perpetrated "\$50,000 'DEATH SENTENCE' REWARDS" assigned solely to captured U.S. soldiers to illustrate that the U.S. does not deal with Terrorists when in fact "Rewards" are not "Ransoms"; and, Rewards are not paid into the hands of Terrorist captors. Gonzales and Rice slandered and defamed the reward life values of U.S. Soldiers after capture in violation of the Geneva conventions by presenting U.S. soldiers as virtual "\$50,000 theatrical foils assigned "\$50,000 'DEATH SENTENCE' REWARDS" assigned solely to captured U.S. soldiers to illustrate the White House motto that *"We do not deal with Terrorists."* Yet, "Reward" offers are made and paid to non-terrorist third-party informants and are not paid as "RANSOMS" into the hands of terrorists.

(20) While there is no sanction against large or small rewards citing different dollar amounts in the Geneva Conventions. It is the deliberated U.S. "manipulation" of large \$25 Million dollar Rewards enhancing the "Reward life value" of terrorists and the manipulation of small and perverse \$50,000 reward amounts for captured U.S. soldiers that, by contrast, defamed the "Reward life value" of captured U.S. soldiers while U.S. Executive Branch, through U.S. News Media and world news media - CBS, NBC, CNN, ABC, BBC, al Jazeera -- did broadcast low "\$50,000 Reward life values" for recovery of U.S. soldiers that manipulatively caused torture-deaths and murders of virtually "all one-hundred-per-cent" of captured U.S. soldiers in Iraq. Yet, at the same time, all one hundred percent of Terrorists captured in Iraq did were not tortured or murdered after capture due to the fact that the U.S. had protected them with mega Million dollar to \$25 million dollar Reward values advertised on behalf of terrorist enemies of the United States while denying captured U.S. soldiers the same and equal

mega Million dollar rewards, said mega Million dollar Reward denial a violation of equal protection mandated by the U.S. Constitution Fourteenth Amendment.

(21) Said U.S. Executive Branch Mega Million dollar Rewards saving the lives of Terrorist enemies of the United States while said "\$50,000 'DEATH SENTENCE' REWARDS" assigned solely to captured U.S. soldiers acted as catalyst 'Death Sentences' against captured U.S. soldier Prisoners Of War produced a condition of prosecutable Treason Crime violations of United States Crime codes and Geneva Convention War Crime violations that are presentable to United States Grand Juries and are presentable to the UN International Court Prosecutor for indictment and prosecution purposes.

(22) Furthermore, said low "Reward life values" that manipulatively caused torture-deaths of captured U.S. soldier Prisoners of War unmistakably signal "Bad Faith" wrongdoing in violation of the Geneva Conventions by U.S. Executive "Reward life value manipulators" -- Ashcroft, Gonzales and Rice -- whose "\$50,000 Reward life value" wrongdoing motivated terrorists, as virtual Reward surrogates of Ashcroft, Gonzales and Rice, to mutilate, torture, and murder captured U.S. soldiers in violation of Geneva Convention III of 1949 and Geneva Convention Protocols of 1977.

(23) This on-going U.S. Administrative murder condition of captured U.S. soldier Prisoners of War explains Vasquez-Menchaca family responsive attempts to broadcast offers (1) of \$25 Million "equalizing" Reward money to be paid from proceeds of their U.S. Lawsuit Case # H-08-60 on behalf of captured U.S. Soldier Prisoners Of War, PFC Byron Fouty and Spc Alex Jimenez, and explains (2) the rationale to advertise that Reward money could be paid from voluntary Reward donations of the American public and U.S. corporations to a Court established Reward fund for captured U.S. soldier Prisoners of War who are White-House-denied higher reward life values equal to terrorists.

(24) Plaintiff Kenneth MacKenzie of U.S. Court Case #H-08-06 regarding this has also filed a "\$50,000 Reward" War-Crime complaint against U.S. Atty Gnl. Gonzales & Secty. C. Rice at the Prosecutor's Office, U.N. International Criminal Court (ICC), The Hague, Case Reference# OTP-CR-100/08 describing said U.S. Officials' most wrongfully offered "U.S. \$50,000 'DEATH Sentence' Rewards" that the U.S. Executive Branch administratively advertised, which motivated Terrorists to violate Geneva Conventions and said "\$50,000 'DEATH SENTENCE' REWARDS" assigned solely to captured U.S. soldiers thereby caused torture deaths of: (1)PFC Kristian Vasquez Menchaca & (2)PFC Thomas Tucker; (3)Sgt Keith "Matt" Maupin; (4)PFC Joseph Anziak; (5) PFC Byron Fouty; (6) Spec. Alex Jimenez. Said U.S. Executive Branch "\$50,000 'DEATH SENTENCE' REWARDS"

assigned solely to captured U.S. soldiers were manipulated after U.S. soldiers had laid down their arms and were captured U.S. Prisoners of War not involved in Combat operations.

(25) Hence the "Crime Tort issues" of this complaint H-08-60 go far beyond Plaintiffs' pleadings for damages to be paid to the Vasquez family; and, no \$450 Court filing fee should be charged to the Plaintiffs. Moreover, three of the Plaintiffs are unemployed and unable to afford to pay the \$450 filing fee that U.S. District Judge Gray Miller wrongfully stresses as more important than the lives of captured U.S. soldier Prisoners of War -- (4) Sgt Keith "Matt" Maupin; (5) PFC Byron Fouty; and (6) Spc Alex Jimenez -- who were listed as "Missing In Action" by the U.S. Army when Plaintiffs filed this matter on 22 Feb 2008; and, Judge Miller assigned himself jurisdiction of it, though, President Bush was listed as an Interested Party who could likely be named as Defendant by the court; and, Bush had previously appointed Judge Gray Miller as U.S. District Court Judge.

(26) All said captured U.S. soldier Prisoners of War -- Sgt Keith "Matt" Maupin, PFC Byron Fouty, and Spc Alex Jimenez -- who were listed as "Missing In Action," presumed "alive" by the U.S. Army, when Plaintiffs filed this matter on 22 Feb 2008, were subsequently found murdered in Iraq while Judge Miller delayed this U.S. District Court Case from being heard and going forward on the "Life and Death" Reward issues.

(27) The remains of Sgt Keith "Matt" Maupin were found 30 March 2008. The remains of PFC Byron Fouty, and Spc Alex Jimenez were recently found 10 July 2008. If Maupin, Fouty, and Jimenez were murdered after Judge Gray Miller had an opportunity to commence court action on 22 Feb 2008 that might have equalized, balanced, and changed the murderous life destroying course of said U.S. proclaimed "\$50,000 'DEATH SENTENCE' REWARDS" assigned solely to captured U.S. soldiers then it would be fair to allege and say that Judge Gray Miller ignored the "U.S. \$50,000 'DEATH Sentence' Reward" plight of Sgt Keith "Matt" Maupin, PFC Byron Fouty, and Spc Alex Jimenez by treating their "Prisoner of War" condition as less important than the U.S. Court \$450 filing fee; and, therefore, Miller made his wrongful contribution to their murders in violation of the Geneva Conventions. It would also be fair to say that Judge Miller appears to be unbalanced in view of his "\$450- filing-fee" reaction to the publicly known "Res Ipsa Loquitur" truths described by the public news broadcast media as set forth in U.S. District Court Case H-08-60. These conditions understood together with Miller obviously ignoring President George Bush's name (Bush appointed Miller as U.S. District Judge) listed as an "Interested Party" in Plaintiffs' caption on Case H-08-60, before Miller

decided to deny Plaintiff MacKenzie's "APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEE (Forma Pauperis)," indicates Miller's unbalanced assessment that his dismissal would somehow prevent the Geneva Convention war crime disrepute and disgrace that President G.W. Bush might face should Case H-08-60 be tried before a civil trial jury and Bush eventually be listed as a Defendant. Miller behaved wrongfully in not recusing himself before issuing his decision to deny. Miller, by not recusing himself, then taking jurisdiction, acted outside his ministerial and discretionary scope and issued his "Denial" in his Private Person 'Persona.'

(29) Worse, Miller behaved questionably by not recusing himself and then acting in the same manner as the U.S. Executive Branch in ignoring the "U.S. \$50,000 'DEATH Sentence' Reward" hanging over the lives of Sgt Keith "Matt" Maupin, PFC Byron Fouty, and Spc Alex Jimenez held captives by Terrorists in Iraq, redundantly described in Case H-08-60, submitted to the U.S. District Court in Houston as an "Urgent Emergency Petition."

(30) As a Bush appointee, in conflict of interest, who would not recuse himself, Miller's obvious intention of considering his mentor's (Bush's) reputation as more important than the lives of Sgt Keith "Matt" Maupin, PFC Byron Fouty, and Spc Alex Jimenez held captives by Terrorists in Iraq and thereby dismissing Plaintiff MacKenzie's "APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEE (Forma Pauperis)," outside his ministerial and discretionary scope acting in his Private Person 'Persona,' indicates that Miller is unbalanced and therefore unfit to consider U.S. Court cases that address "Life and Death" issues.

(31) The autopsies of Sgt Keith "Matt" Maupin, PFC Byron Fouty, and Spc Alex Jimenez are not the only consideration in all the information that indicates Miller delayed Case H-08-60 while terrorists put U.S. Prisoners Of War to death in Iraq. The truth is that Miller did not even address the "Life and Death" issues of Sgt Keith "Matt" Maupin, PFC Byron Fouty, and Spc Alex Jimenez while Miller was pretentiously placing the trivial non life and death \$450 court filing fee at a higher level of consideration, well informed that his delay of Case H-08-60 could contribute to the likelihood that terrorist captors would torture to death Sgt Keith "Matt" Maupin, PFC Byron Fouty, and Spc Alex Jimenez.

(32) As a Bush appointee, in conflict of interest, who would not recuse himself, Miller marked himself when he considered a \$450 court filing fee as more important than the lives of three U.S. soldier Prisoners of War in Iraq, when he could have waived the

filing fee as interfering with rapid and urgent progress in Case H-08-60 filed as an effort to save three human lives in imminent danger of torture death.

(33) As a Bush appointee, in conflict of interest, who would not recuse himself, Miller's unbalanced trivialization of the lives of Sgt Keith "Matt" Maupin, PFC Byron Fouty, and Spc Alex Jimenez as subordinate to the \$450 U.S. Court filing fee that Miller refused to waive, while their lives held by Terrorist Captors hung in the balance, indicates that Miller placed the lives these three U.S. soldier Prisoners of War in Iraq at a lower value and subordinate to said U.S. Court filing fee of \$450, which, from the evidence of Miller's *Forma Pauperis* denial, indicates said \$450 U.S. Court filing fee was enormously more important to Miller than the lives of captured U.S. soldier Prisoners Of War. As a Bush appointee, in conflict of interest, who would not recuse himself, Miller's consideration that said \$450 U.S. Court filing fee was enormously more important to Miller than the lives of captured U.S. soldier Prisoners Of War is an issue that should be considered at length. Obviously, actions that indicate a \$450 U.S. Court filing fee is more important than the lives of captured U.S. soldier Prisoners Of War should be questioned to understand why a \$450 U.S. Court filing fee is more important than the lives of captured U.S. soldier Prisoners Of War; and, support for such a rationale should be provided in detail to determine if the \$450 U.S. Court filing fee rationale is ethically reasonable or is corrupt. Miller's execrable decision regarding said \$450 U.S. Court filing fee says much about Miller and his sense of moral and ethical balance between the \$450 U.S. Court filing fee and how Miller weighed the \$450 U.S. Court filing fee against the lives of said captured U.S. soldier Prisoners Of War who would have had a more equal chance to survive their captivity in Terrorist hands if U.S. Fourteenth Amendment "EQUAL" Rewards had been offered to third party informants who could have pointed out captured U.S. soldier Prisoner Of War prison locations to U.S. military forces for rescue purposes.

(34) As a Bush appointee, in conflict of interest, who would not recuse himself, Miller apparently considered his denial of Plaintiff Mackenzie's *Application To Proceed Without Prepayment Of Fee* -- \$450 -- as more important than the lives of captured U.S. soldier Prisoners of War in Iraq with "\$50,000 'DEATH SENTENCE' REWARDS" assigned solely to captured U.S. soldiers. His \$450 denial indicates that Miller considers captured U.S. soldier Prisoners of War in Iraq are less important than a \$450 U.S. Court filing fee as established by Miller's behavior "OF RECORD" in consideration of the most important life and death issues in this matter. His denial indicates that Miller considers captured U.S. soldier Prisoners of War in Iraq targeted with "\$50,000

'DEATH SENTENCE' REWARDS" assigned solely to captured U.S. soldiers are less important than equal U.S. Fourteenth Amendment Rewards for captured U.S. soldier Prisoners of War in Iraq and that the \$450 U.S. Court filing fee is the most important consideration, the \$450 U.S. Court filing fee more important even beyond the life and death considerations of captured U.S. soldier Prisoners Of War facing eminent death at the hands of Terrorists.

(35) That Miller defines himself as a "\$450 U.S. Court filing fee Judge," said \$450 U.S. Court filing fee apparently even more important to Miller beyond the life and death considerations of captured U.S. soldier Prisoners Of War facing eminent death at the hands of Terrorists is an issue that should be exhaustively examined in the U.S. Court of Appeals.

(36) The Executive Branch maintains an unconstitutional \$50,000 Reward Death Sentence Machinery that operates to motivate terrorists to mutilate, torture, and murder captured U.S. soldier Prisoners Of War as said unconstitutional \$50,000 Reward Death Sentence Machinery is homicidally unequal to the life saving U.S. \$25 Million dollar rewards offered for Terrorists.

(37) Anytime when U.S. government officials offer more and 500 times higher life saving rewards that save the lives of enemies of the United States during war time while denying its own terrorist-captured U.S. soldier Prisoners Of War the same life saving U.S. \$25 Million dollar rewards offered for Terrorists while enforcing an unconstitutional \$50,000 Reward Death Sentence against captured U.S. soldier Prisoners Of War until they are mutilated, tortured, and murdered, then said U.S. government officials have committed Acts of "Reward Treasons" against the Citizen soldiers of the U.S. military in violation of Title 18 U.S. Treason law.

" USC Title 18, Section 2381 - Treason: Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason and shall suffer death, or shall be imprisoned not less than five years and fined under this title but not less than \$10,000; and shall be incapable of holding any office under the United States."

(38) These several conditions and situations clearly reveal that for the purpose of proving to Terrorists and the world, the U.S. Executive Branch was offering \$50,000 Rewards for its captured U.S. soldier Prisoners Of War who were displayed, paraded, and exhibited via U.S. News Media Broadcasts, as deliberately and obviously assigned a low life value to indicate that their "Reward life value" and that their "RANSOM" life

value would not be increased above \$50,000 to illustrate that "the U.S. does not deal with Terrorists." Hence, the U.S. Reward system was deliberately and administratively manipulated by the U.S. Executive Branch to illustrate \$50,000 captured U.S. soldier Prisoners Of War for political purposes; and, the U.S. Executive Branch was deliberately and administratively inflicting what it was informed were \$50,000 death sentence Rewards against captured U.S. soldier Prisoners Of War, death sentences that would be eventually inflicted by what amounted to Terrorists acting as executioners who had higher mega Million dollar Reward life values assigned to their lives by the U.S. Executive Branch while said mega Million dollar Terrorist executioner/surrogates mutilated, tortured, and murdered captured U.S. soldier Prisoners Of War valued with \$50,000 Reward Death Sentences.

(39) Attorney general Michael Mukaysey and Judge Miller have had sufficient information of Case H-08-60 in their possession to indicate that Defendant Gonzales and several other Interested Parties of the U.S. Executive Branch have perpetrated Misprision of Treason or conspired to aid and abet Misprision of Treason. Yet, neither of them have acted.

(40) Therefore, Plaintiff MacKenzie will file a motion seeking that Miller recuse himself from this case H-08-60.

In support of this application, I answer the following questions under penalty of perjury:

: : : : : Continuation sheet: Continuation sheet: Continuation sheet: Continuation sheet:

This herein submitted litigation contains allegations of Geneva Convention War Crime allegations and related U.S. federal and state crime violations linked to RICO Act and Terrorism crime predicates of the RICO Act, and relating to violations against U.S. Military personnel serving in Iraq that should be of national defense interest to the United States and the fifty state governments providing National Guard Troops who, not forewarned at enlistment of the U.S. Executive Branch Reward Treason and Reward violations of said Geneva Conventions, face the potential of said treacherous "U.S. \$50,000 Death Sentence Rewards" should they become captured U.S. soldier Prisoners Of War in Iraq and Afghanistan.

There are no references mentioned by the court to so-called "government interest" matters in this Court's "APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEE" document, wherein the U.S. Attorney and states Attorneys might reasonably be interested to

prosecute certain crime tort parts of this complaint in either civil actions and / or Crime prosecutions. Therefore, I should not be required to pay a "full" filing fee if both state and federal government entities may have an administrative and Attorney-General-prosecutive-interest to possibly litigate certain court actions in this matter. No filing fee cost to Plaintiffs, whatsoever, should be applied regarding this litigation.

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

Date: July 2008. Signature of Applicant: S/ Kenneth MacKenzie S/