

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DONNA MARIE KOZAK, RANDALL  
DAVID DUE, COUNTY OF  
WASHINGTON, KAREN A. MADSEN, in  
her official capacity as;

Defendants.

**8:13CV122**

**MEMORANDUM AND ORDER**

Construed liberally, Defendant Due's Motion to Strike, (Filing No. 33), is actually a response to the plaintiff's motion for summary judgment. Defendant Due's motions for copies, (Filing Nos. 31 and 32) are interpreted as requesting a copy of the Motion to Strike (which raises the legal arguments listed in filings 31 and 32).

Accordingly,

**IT IS ORDERED:**

- 1) Filing number 33 shall be removed from any pending motion list and re-identified as defendant Due's response to the plaintiff's motion for summary judgment.
- 2) Defendant Due's motions for copies, (Filing Nos. 31 and 32) is granted only to the extent that the attached copy of his motion to strike will be sent to the defendant with this order.
- 3) A copy of this order shall be provided to Judge Urbom.

September 9, 2013.

**BY THE COURT:**

s/ Cheryl R. Zwart  
United States Magistrate Judge

TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

U.S.A. vs. re  
 OFFICIALS AND OFFICERS OF THE PUBLIC TRUST  
 (PLAINTIFFS WITH COMMERCIAL LIABILITY)  
 SADDLED WITH THE BURDEN OF PROOF  
 VS.  
 DOMINA MARIE KOZAK, RANDALL DAVID DOE,  
 COUNTY OF WASHINGTON, AND KAREN A. MADSEN,  
 IN HER OFFICIAL CAPACITY AS REGISTER OF DEEDS  
 OF WASHINGTON COUNTY, NEBRASKA  
 DEFENDANTS

8:13CV122  
 IS SUBORDINATE TO AND  
 OUTRANKED BY  
 8:12 CR 344  
 DATE: 17 AUGUST 2013  
 DEMAND "STRIKE"  
 DISMISS "WITH PREJUDICE"  
 RULE 12 D  
 NO PRESUMPTION  
 ALLOWED

I, RANDALL DOE, HAVE BEEN DENIED "DUE PROCESS OF LAW"  
 AND EQUAL PROTECTION OF THE LAW BY BEING FALSLY  
 DETAINED IN 4 DIFFERENT JAILS SINCE 9 JULY 2013,  
 BY BEING DENIED PROPER COMMUNICATION BY PHONE  
 AND BY MAIL TO MY LEGAL DEFENSE RESOURCES  
 THESE ARE 5TH AND 14TH AMENDMENT  
 CIVIL RIGHTS FELONY OFFENSES BY  
 18 USC SECTION 241 AND 242

FILED  
 U.S. DISTRICT COURT  
 DISTRICT OF NEBRASKA  
 13 SEP -6 PM 1:16  
 OFFICE OF THE CLERK

BECAUSE OF THIS DENIAL OF DUE PROCESS OF LAW  
 I WAS NOT MADE AWARE OF PLAINTIFF'S RESPONSE  
 TO DEFENDANT RANDALL DAVID DOE'S AFFIDAVIT OF  
 CHALLENGE, UNTIL NOW.

GEORGIA MITCHELL COLE  
 Entered in:  
 Lien Docket 1 Page 307

THEREFORE, THIS RESPONSE IS AS TIMELY AS I AM ABLE TO PROVIDE.

I, RANDALL DUE, CERTIFY UNDER MY OWN COMMERCIAL LIABILITY THE FOLLOWING TO BE TRUE, CORRECT, AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

GEORGIA, MITCHELL COUNTY

ALLEGATIONS/CLAIMS

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THE 1<sup>ST</sup> DEFECT, RULE 12, IN THIS CASE IS THAT THE LIEN DEBTORS "DEFAULTED" ON THE 90-DAY GRACE PERIOD OF THE 1<sup>ST</sup> AMENDMENT ADMINISTRATIVE OATH/CONSENSUAL PUBLIC COMMERCIAL LIEN PROCESS, WHICH CITIZENS HAVE AS A RIGHT FOR REDRESS OF GRIEVANCES AGAINST PUBLIC OFFICIALS WHO HAVE VIOLATED THEIR REQUIRED OATH TO SUPPORT AND DEFEND THIS NATION, ITS CONSTITUTION, AND THE AMERICAN PEOPLE FROM ALL ENEMIES FOREIGN AND DOMESTIC.

ALSO KNOWN AS REBELLION OR INSURRECTION  
18 USC SECTION 2383

THEREFORE, IT IS IMPOSSIBLE FOR THESE OATH/CONSENSUAL PUBLIC COMMERCIAL LIENS, AGAINST PUBLIC OFFICIALS REBELLION OR INSURRECTION, TO BE FALSE, FICTITIOUS, OR FRAUDULENT, OR BOGUS.

THE 2<sup>ND</sup> DEFECT, RULE 12, IS THAT THE PLAINTIFF IS ATTEMPTING TO PROCURE THE COURT TO USE CIVIL CASE NO. 8:13CV122, WHICH IS SUBORDINATE TO CRIMINAL CASE NO. 8:12CR344 TO BYPASS CASE NO 8:12CR344 SUBJECT MATTER, WHICH SUBJECT MATTER THE PLAINTIFF HAS NEVER PROVEN TO BE FALSE, FICTITIOUS, OR FRAUDULENT, OR BOGUS. - 18 USC § 1622 CRIME

CRIMINAL TAKES PRECEDENT OVER CIVIL  
RULE 12D: NO PRESUMPTIONS ALLOWED

DEFENDANTS, RANDALL DUE AND DONNA KOZAK HAVE NOT CONSENTED TO AN EQUITY HEARING AND/OR EQUITY TRIAL.

THEREFORE, PLAINTIFF'S REQUEST FOR A SUMMARY JUDGEMENT IS "MOOT".

PLAINTIFF'S "ALLEGED" STATEMENT OF FACTS/INFORMATION IS NOT SWORN TO BE TRUE, CORRECT, AND COMPLETE.

IN CASE: IRS VS PAULIP MARSH, PRESIDENT OF THE FLEET CONNECTION, IN THE INDICTMENT, THE IRS SET A PRECEDENT AND ESTABLISHED THAT ANY "INFORMATION" NOT SWORN TO BE TRUE, CORRECT, AND COMPLETE WAS A "SCAM".

GEORGIA, MITCHELL COUNTY

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THEREFORE, PLAINTIFF'S "ALLEGED" STATEMENT OF FACTS / INFORMATION IS A SCAM / ABUSE OF PROCESS.

A VIOLATION OF ARTICLE IV SECTION 1 OF USA CONSTITUTION, AND A FAILURE TO PROVIDE "FULL DISCLOSURE", WHICH IS FRAUD, PREDICATED UPON VIOLATION OF DUE PROCESS OF LAW. 5<sup>TH</sup> AND 14<sup>TH</sup> AMENDMENT VIOLATION.

PLAINTIFF'S CLAIM, QUOTE: "I.D. PROPERLY REFERENCED MATERIAL FACTS IN MOVANT'S STATEMENT ARE CONSIDERED ADMITTED UNLESS CONTROVERTED BY THE OPPOSING PARTY'S RESPONSE. "I.D. (EMPHASIS IN ORIGINAL) SEE ALSO FED. R. CIV. P. 56 (e)

PLAINTIFF HAS FAILED TO PROVE ANY PART OF THE DATA / CONSENSUAL PUBLIC COMMERCIAL LIENS TO BE FALSE, FICTITIOUS, OR FRAUDULENT IN CASE NO. 8:12 CR 344,

YET PLAINTIFF STATES THAT THE LIENS ARE QUOTE: "BOGUS LIENS."

BY PLAINTIFF'S OWN REFERENCING TO THE ABOVE CITED REFERENCE, PLAINTIFF IS ADMITTING THE LIENS IN QUESTION TO BE VALID, BECAUSE OF LIEN DEBTOR'S "DEFAULT", BY FAILING TO CONTROVERT / CONTEST THE STATE FACTS IN THE ADMINISTRATIVE LIEN PROCESS WITHIN THE 90-DAY GRACE PERIOD.

GEORGIA, MITCHELL COUNTY

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- REQUEST -

REMEDY/RELIEF

DEFENDANT, RANDALL DUE, DEMANDS THE COURT TO  
"STRIKE" PLAINTIFF'S ALLEGATIONS/CLAIMS FROM  
THE OFFICIAL RECORDS AS INVALID AND TO  
DISMISS PLAINTIFF'S CASE "WITH PREJUDICE"  
BECAUSE OF THE AFORESAID CITED PLAINTIFF'S  
"FRAUD OF PROCESS".

THE "CAUSE OF ACTION" FOR THIS DEMAND IS:

18 USC SECTIONS: -VIOLATIONS-

2- PRINCIPALS

3- ACCESSORY AFTER THE FACT

4- MISPRISION OF FELONY

241- CONSPIRACY OF RIGHTS

242- DEPRIVATION OF RIGHTS UNDER COLOR OF LAW

1513- RETALIATING AGAINST A WITNESS, VICTIM OR INFORMANT

1622- SUBORNATION OF PERJURY

2383- REBELLION OR INSURRECTION

AND RULE 12 AND OTHERS.

NOTICE TO PRINCIPAL IS NOTICE TO AGENT; NOTICE TO AGENT IS NOTICE TO PRINCIPAL

I, RANDALL DUE, EXERCISE THE RIGHT TO AMEND THIS PLEADING  
ANY OTHER DOCUMENT, IF NECESSARY, IN ORDER THAT  
THE TRUTH MAY BE MORE FULLY AND CERTAINLY  
ASCERTAINED AND JUSTLY DETERMINED.

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8 UD 17 AUGUST 2013  
Randall Due "WITHOUT RECORDS"  
U<sup>c</sup> PUBLIC MINISTER

Randall Doe  
179 Green Street East  
Rochester, GA 31779-1350

**CERTIFIED MAIL™**



7012 0470 0001 1259 6766



U.S. POSTAGE  
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SEP 6 - 2013

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U.S. DISTRICT COURT  
OMAHA

Clerk of Court  
Roman L. Huska Federal Courthouse  
111 South 18<sup>th</sup> Plaza suite 1152  
Omaha, NE

68102

68102+1322

