

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 FOR THE DISTRICT OF OREGON
9 PORTLAND DIVISION

10 IN RE MARCUS R. MUMFORD.

11 CASE NO. 3:17-cv-0348-JCC
12 ORDER STRIKING MOTION TO
13 DISMISS SHOW CAUSE ORDER

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15 This matter comes before the Court on attorney Marcus Mumford's motion to dismiss the
16 order to show cause why his *pro hac vice* admission to the District of Oregon should not be
17 revoked (Dkt. No. 14) and the District of Oregon's motion to strike (Dkt. No. 15). Having
18 thoroughly considered the briefing and the relevant record, the Court GRANTS the motion to
19 strike (Dkt. No. 15) for the reasons explained herein.

20 Mr. Mumford was granted *pro hac vice* admission in the matter of *United States v.*
21 *Ammon Bundy*. See Case No. CR16-0051-BR, Dkt. No. 665 (D. Or. 2016). During the resulting
22 trial, Mr. Mumford refused to observe court rulings, argued with the court, commented on the
23 testimony of a witness in the presence of the jury, violated an order from the court by allowing a
24 fact witness to observe the trial when not testifying, and argued for his client's release from
25 custody following acquittal despite a pre-existing custody order for his client in another case.
26 Case No. CR16-0051-BR, Dkt. No. 2069 (D. Or. 2016). His actions violated the standards for

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1 professional conduct. *See* D. Or. Local Civ. R. 83-7. Based on this behavior, the District of
2 Oregon issued an order for Mr. Mumford to show cause why his *pro hac vice* admission should
3 not be revoked. *Id.*¹

4 Mr. Mumford filed a motion to extend the time to respond and to clarify the show cause
5 order. Case No. CR16-0051-BR, Dkt. No. 2084. The District of Oregon clarified the show cause
6 order, granted Mr. Mumford an extension of time to respond, and *sua sponte* recused itself from
7 further proceedings in the matter. CR16-0051-BR, Dkt. Nos. 2087, 2100, 2101. This Court was
8 designated for further proceedings. *Id.* at 2101. Following the appointment of counsel to
9 represent the District of Oregon, Case No. CR16-0051-BR, Dkt. No. 2145, this Court issued an
10 order approving a stipulated briefing schedule and granting Mr. Mumford a January 8, 2018
11 evidentiary hearing on the show cause order. CR16-0051-BR, Dkt. No. 2192.

12 Despite agreeing to the stipulated briefing schedule, Mr. Mumford again sought a series
13 of extensions to respond to the show cause order, which this Court granted. (Dkt. Nos. 5, 9.) But
14 despite these extensions, Mr. Mumford filed only a provisional response, providing no date
15 certain for a final response. (Dkt. No. 7-1.) This Court advised Mr. Mumford that it would accept
16 no further briefing on the matter from him, as the District of Oregon needed time to prepare its
17 brief in opposition to Mr. Mumford's provisional response prior to the scheduled evidentiary
18 hearing. (Dkt. No. 13.)

19 Despite the Court's clear instructions (Dkt. No. 13 at 1), Mr. Mumford now moves to
20 dismiss the show cause order. (Dkt. No. 14.) He attacks the merits of the allegations contained
21 within the show cause order, questions the jurisdiction of the District of Oregon in issuing the
22 order, alleges insufficient notice, and asserts other procedural infirmities. (*Id.* at 1-47.) Mr.

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24 ¹ This Court established a new case number, MC17-0348-JCC, for the show cause
25 proceeding, separate and apart from *United States vs. Bundy*, Case No. CR16-0051-BR. This
26 followed the filing of a number of documents in the show cause matter under the case number
for *United States vs. Bundy*. References in this order to docket numbers without an associated
case number are to documents associated with the new case number. (See Dkt. No. 2.)

1 Mumford provides no legal basis for this Court to consider his motion to dismiss, particularly in
2 light of this Court's past orders. Furthermore, he makes the same allegations in his provisional
3 response as he does in his motion to dismiss. (*Compare* Dkt. No. 7-1 at 2-129 *with* Dkt. No. 14
4 at 1-47.) Therefore, this Court GRANTS the motion to strike (Dkt. No. 15). The Clerk is
5 DIRECTED to strike Mr. Mumford's motion to dismiss (Dkt. No. 14).

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7 DATED this 19th day of November, 2017.

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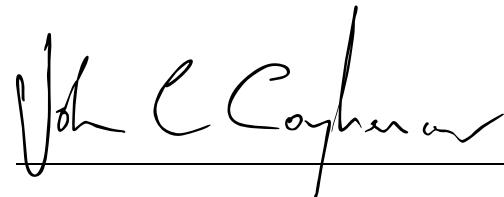
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John C. Coughenour
UNITED STATES DISTRICT JUDGE