

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

LESTER JON RUSTON,
Plaintiff,

vs.

CHURCH OF JESUS CHRIST OF LATTER-
DAY SAINTS (MORMONS), ET AL.,
Defendants,

§
§
§
§
§
§

FILED
U.S. DISTRICT COURT

2007 AUG -6 2: 01

Civil Action No. 2:06-CV-526 DB

DEPUTY CLERK

PETITION FOR A WRIT OF MANDAMUS

Comes now, Plaintiff, Lester Jon Ruston, and files this, his
Petition for a Writ of Mandamus, pursuant to 28 U.S.C. § 1361 and
5 U.S.C. § 702, and would show this Honorable Court as follows:


I.

Defendants continue to conspire with Federal Agencies to deprive
the Plaintiff of rights guaranteed under the U.S. Constitution, subject
of Plaintiff's request for a TRO. Plaintiff moves for a mandate,
seeking an immediate TRO, due to Defendant Allison Ruston-Smith's
continued acts of R.I.C.O. Racketeering with Defendants and the
State of Texas (see Exhibit "1" attached, 3 pages). Plaintiff reasserts
and fully incorporates all allegations of fact in July 18th, 2007
filing as if fully set forth below, pursuant to 28 U.S.C. § 1361 and
5 U.S.C. § 702.

II.

Defendants have conspired, on record, with the Dallas Bureau
of the F.B.I. to violate Plaintiff's rights guaranteed under the
U.S. Constitution. Plaintiff filed for documents in the possession
of the Dallas Bureau of the F.B.I. pursuant to the Freedom of Informa-
tion Act, 5 U.S.C. § 552 and 552(a) in Request Number 1026866, which
was denied, despite two federal court orders in U.S. v. Ruston,
3:04-CR-191-G N.D. Tex., Dallas Division. The Office of Information
and Privacy denied Plaintiff's appeal in Appeal Number 06-0263 and
stated Plaintiff could seek judicial review, pursuant to 5 U.S.C. §
552(a)(4)(B), which Plaintiff seeks in this action, pursuant to 28
U.S.C. § 1361 and 5 U.S.C. § 702 Administrative Procedures Act.
Plaintiff further seeks leave to amend complaint to add these facts,
pursuant to Rule 15 Fed.R.Civ.P.

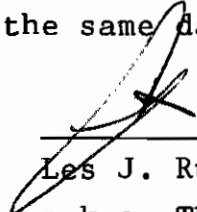
Wherefore, premises considered, Plaintiff, Lester Jon Ruston, does file this, his Petition for a Writ of Mandamus, pursuant to 28 U.S.C. § 1361 and 5 U.S.C. § 702, and would move this Court to Grant this petition, and to mandate the issuance of a Temporary Restraining Order, already before the Court in this matter. Plaintiff further requests judicial notice and leave to amend complaint to include judicial review, pursuant to 5 U.S.C. § 552(a)(4)(B) The Freedom of Information Act.


Respectfully Submitted,

Lester Jon Ruston #26834-177
P.O. Box 879
Ayer, Mass. 01432
Plaintiff-Pro-Se

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing instrument was provided to the clerk of the court on this 2nd day of August, 2007, by placing such in the inmate mail box with first class postage affixed. One copy was provided to Defendants counsel at address listed below by the same means on the same day.



Les J. Ruston
a.k.a. The Bruce

Kirton & McConkie
Attn. Justin Starr
60 East South Temple #1800
Salt Lake City, Utah 84111

THE STATE OF TEXAS
VS.
LESTER JON RUSTON


§
§
§

IN THE 366 TH JUDICIAL
DISTRICT COURT OF
GOLLIN COUNTY, TEXAS
September 20, 2005

EXHIBIT "A"

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- 2. that the defendant has committed an offense against the State of Texas, to-wit: on or about the 19th day of May 2004, in the County of Dallas and State of Texas, did unlawfully then and there intentionally and knowingly harm and threaten to harm G. Fernandez, hereinafter called complainant, by an unlawful act, to-wit: by calling complainant on the telephone and by making a veiled threat, in retaliation for and on account of the service and status of said complainant as a public servant, to-wit: a City of Carrollton Police Officer;
- 3. that the defendant has committed an offense against the State of Texas, to-wit: on or about the 19th day of May 2004, in the County of Dallas and State of Texas, did unlawfully then and there intentionally and knowingly harm and threaten to harm W. Vickers, hereinafter called complainant, by an unlawful act, to-wit: by making a veiled threat to complainant, in retaliation for and on account of the service and status of said complainant as a public servant;
- 4. that the defendant has committed an offense against the State of Texas, to-wit: on or about the 28th day of April 2004, in the County of Dallas and State of Texas, did then and there knowingly engage in conduct directed specifically toward Allison Smith, hereinafter called complainant, that the defendant knew and reasonably believed the said complainant would regard as threatening bodily injury to the said complainant, to-wit: by entering complainant's place of employment and by making on the telephone and by making a veiled threat to complainant, and the defendant's said conduct would cause a reasonable person to fear, and did cause the said complainant to fear, bodily injury for the said complainant;
- 5. that the defendant has failed to report to the probation officer as ordered by the court for the following months: June 2003; July 2003; August 2003; September 2003; October 2003; November 2003; December 2003; January 2004; February 2004;
- 6. that the defendant has failed to pay a fine in the amount of \$350.00 in monthly payments \$10.00 as ordered by the court: has paid \$200.00;
- 7. that the defendant has failed to pay court costs in the amount of \$349.37 within 30 days of judgment as ordered by the court: has paid -0-;
- 8. that the defendant has failed to reimburse Collin County for appointed counsel, Mark Bragg, in the amount of \$400.00 as ordered by the court: has paid -0-;
- 9. that the defendant has failed to pay \$50.00 per month supervision fee as ordered by the court for the following months: February 2003; March 2003; April 2003; May 2003; June 2003; July 2003; August 2003; September 2003; October 2003; November 2003; December 2003; January 2004;
- 10. that the defendant has failed to notify supervision officer of change in residence/employment as ordered by the court;
- 11. that the defendant has failed to attend counseling with Psychological Evaluation LifePath within 90 days of judgment as directed by the supervision officer as ordered by the court;
- 12. that the defendant has failed to perform 90 hours of community service at the rate of 10 hours per month as ordered by the court: has completed -0- hours;


ATTORNEY FOR THE STATE OF TEXAS

DEFENDANT

ATTORNEY FOR DEFENDANT

Supervision Officer: CEC
Supervision Expires: 1-30-08

NO. 366-80769-99

THE STATE OF TEXAS
VS.
Lester Jon Ruston

IN THE DISTRICT COURT
366TH JUDICIAL DISTRICT
OF COLLIN COUNTY, TEXAS

September 20, 2005

MOTION TO REVOKE COMMUNITY SUPERVISION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the Criminal District Attorney of Collin County, Texas, and would show to the Court that the defendant in the above-styled and numbered cause, has violated the terms and conditions of his or her community supervision since it was granted him or her in this cause during the term of his or her community supervision, as follows:

1. that the defendant has committed an offense against the State of Texas, to-wit: on or about the 21st day of May 2004, in the Dallas Division of the Northern District of Texas, the defendant, Lester Jon Ruston did threaten to assault and murder United States Magistrate Judge Irma Ramirez, with the intent to intimidate and retaliate against the said Irma Ramirez while she was engaged in or on account of the performance of her official duties; see Exhibit "A"

FRAUD

BY _____
CRIMINAL DISTRICT ATTORNEY
COLLIN COUNTY, TEXAS

2005 SEP 20 AM 3:55

NO BOND

TEXAS PENAL CODE SECTIONS 32.46 AND 32.47

Wherefore, movant prays that a capias issue for the arrest of this defendant and that he or she be held for a hearing to determine whether the defendant's community supervision should be revoked and he or she thereafter be sentenced to the Texas Department of Criminal Justice for the term originally assessed against him or her.

CRIMINAL DISTRICT ATTORNEY
COLLIN COUNTY, TEXAS

[Signature]
BY ASSISTANT CRIMINAL DISTRICT ATTORNEY

ORDER

The clerk is ORDERED to prepare a capias for the arrest of the above-named defendant, submit the same to a county judge in Collin County, Texas, and thereafter to deliver the capias and a copy of this motion to the sheriff of Collin County, Texas, for service on the said defendant.

SIGNED this 22nd day of September, 2005

[Signature]
JUDGE PRESIDING

Cause 366-80769-99

THE STATE OF TEXAS
vs
LESTER JON RUSTON

In the 366th District Court
of Collin County, Texas
McKinney, Texas

CAPIAS FOR PROBATION REVOCATION IN FELONY CASE

THE STATE OF TEXAS:

TO ANY SHERIFF OR ANY CONSTABLE OF THE STATE OF TEXAS - GREETINGS:

YOU ARE HEREBY COMMANDED to take the body of

LESTER JON RUSTON
4804 HAVERWOOD #912
DALLAS, TX 75252- 0000

HGT/507 EYE/GRN RAC/W SEX/M
DOB/071757

LKA: Federal Custody seagoville TX

who has been charged by indictment and placed on probation for a felony offense, Retaliation or Obstruction F3, and him safely keep so that you have him before the 366th District Court of Collin County, in said state, at the courthouse of said county, in the city of McKinney, forthwith, then and there to answer the State of Texas against the said LESTER JON RUSTON, for violation of the conditions of probation in Cause 366-80769-99, The State of Texas vs LESTER JON RUSTON. ^{OR DALLAS CO. JAIL}

HEREIN FAIL NOT, but have you then and there this Writ, showing how you have executed the same.

GIVEN under my official seal of said Court in Collin County, Texas,

on this the 22nd day of September, 2005.

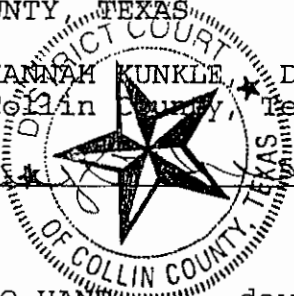
JUDGE PRESIDING
366th DISTRICT COURT
COLLIN COUNTY, TEXAS

18 U.S.C. SECTIONS 241/242/1201

NO BOND

Attest: HANNAH KUNKLE, DISTRICT CLERK
Collin County, Texas

by _____, Deputy



SHERIFF'S RETURN

CAME TO HAND _____ day of _____, _____, at _____ o'clock _____ M,
and executed the _____ day of _____, _____, at _____ o'clock _____ M,
by arresting the within named LESTER JON RUSTON and placing him in jail at _____.

RETURNED on this _____ day of _____, _____.

FEES:

Mileage \$ _____
Fees \$ _____
Total \$ _____

_____ Constable or Sheriff
_____ County, Texas

by _____ Deputy

Les J. Ruston
26834-177
FMC-Devens
P.O. Box 879
Ayer, Mass. 01432

CENTRAL MA 015
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United States District Court
Attn. Clerk of Court
350 S. Main Street
Salt Lake City, Utah 84101

re: 2:06-CV-526 DB

* legal mail

84101+2180

