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UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

Andrew Glen Clark

Appellant

9<sup>th</sup> Circuit Case: 17-35247

vs. Appellees

Local Case No.6:14-cv-01103-JR

Wells Fargo Bank, NA Attorney of Record

Christian Rowley Seyfarth Shaw 560 Mission St. #3100 San  
Francisco, CA 94105

Ogletree Deakins et al c/o General Counsel Christopher  
Mixon 401 Commerce Street #1200 Nashville, TN 37219

MOTION and DECLARATION TO  
SUSPEND FEDERAL RULES OF  
APPELLANT PROCEDURES TO HEAR  
EVIDENCE OF JUDICIAL FRAUD,  
FRCP 60(d)(3)., and FRAP #48 Motion

Emergency Filing

City of Eugene, OR Attn: Lauren Sommers 125 East 8th Ave. Eugene OR 97401

County of Lane, OR Attn: Sabastian Tapia and Steven Dingle 125 East 8th Ave. Eugene OR 97401

State of Oregon via Attorney General Ellen Rosenblum –and-

Lane County Prosecutor Erik Hasselman via Cecil Reniche-Smith, Asst. Attorney General for Oregon  
1162 Court Street NE Salem OR 97301-4096

This is a Motion submitted under Federal Rules of Appeals Procedure Two to suspend court filing rules to hear recently discovered evidence of extreme judicial fraud and a FRCP 60(d)(3) motion. The endemic problems I surfaced in the justice system are nation-ending. The obstructed facts and evidence of violent federal witness tampering doom Wells Fargo and all involved attorneys so I plead to the court to suspend the adversary system with the concurrent FRAP 48 motion.

**Exhibit 1 is for Emergency Hearing**

During a transition period between district court judges, a completely forged, externally created order was inserted into Eugene OR's District Court as Docket 68. **Exhibit 1**. My last name is wrong on that one document out of hundreds. That

is not possible if the document were created from within the system. That forgery allowed the court staff in Eugene OR to robo-sign all subsequent orders starting with #70. It directly caused my Wells Fargo Racketeering case to be dismissed extra-judicially and without hearing of facts and evidence.

A more formal Motion/Memorandum/Declaration is **also** being filed under Federal Rule of Civil Procedure (FRCP) 60(d)(3) pleading for resolution on the basis of extreme fraud and crime committed against me in order to obstruct justice.

It explains the various fraudulent practices of the attorney industry and how they are able to 'cheat' the Justice System in any other case and 'bury' their victims.

It imperative the Ninth Circuit Court of Appeals consider the widespread implications of the problems surfaced in the Rule60 (d)(3) motion in light of the complete lack of transparency in the local court.

It should be obvious to any reasonable person that the methodologies used in my situation by adversary attorneys are commonly used all over all the time... even against high-level leaders. I recently reported this situation to Director of Secret Service Agency via letter. That agency ensures integrity of banking systems, Banking systems along with all else is rendered irrelevant by attorneys who are able to use court processes to selectively circumvent reality along with the laws.

My work documents that our legal system has been relegated to an easily-cheated computer system within the courts, run by trusting judges and conniving clerks. In Lane County, the criminal justice system was completely automated and the “judges” parroted what was put in their system by prosecutors. Extreme punishment was dealt out to me prior to hearing of facts and the perpetrators were able to conceal it in our local district court via fraud.

Police and court audio in my case provide a unique and historic view into the reality of the activity. It is all posted on Internet but obstructed in the courts. I carefully and completely proved that “The Structure of Holocaust” exists within our system of justice. It allows unlimited numbers of people to be smeared, defamed, arrested, jailed, and ghettoized at a very low cost per victim and with almost no actual recourse.

Signed and Sworn to as Truth Subject to Penalty of Law

Andrew Clark 3270 Stoney Ridge Rd. Eugene OR 97405 541.510.3915

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**Exhibit 1 District Court Case: 6.14-cv-01103-jr**  
**Ninth Circuit Court of Appeals Case: 17-35247**  
**Wells Fargo's Mafia-Style Employment Retaliation**

**Forged Order Written Outside the System**  
**Docket 68 – my last name is spelled incorrectly on that 1 document.**

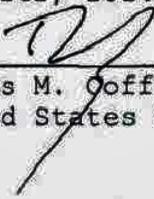
I filed a damage recovery lawsuit in our local district court pursuant to repeated, violent tampering after filing crime reports with evidence at local FBI, in person. Then Wells Fargo attorneys perpetrated what amounts to a legal “hit job” against me and frantically employed hoards of attorneys to prevent the evidence (e.g. police audio and video) from being heard. There never was any form of conference or hearings. All orders were a product of pure fraud of the Court’s case management system by involved attorneys and court clerks.

The attorneys used a variety of devious tricks to get the case dismissed against facts and evidence. The same fraudulent processes caused the Ninth Circuit Appeal to not be remanded back to Eugene for a trial. I discovered Docket 68 (enclosed) after the appeal. It is a highly prejudicial document that directly led to the case dismissal. My suspicion based on what I see is that David C. Campbell of Lewis Brisbois and Peter Urias of Seyfarth Shaw were the people who created the document and got it into the system.

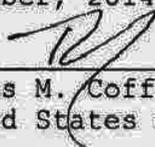
1. I realize court staff commonly sign for judges who under ABA canons must ensure law is followed. Next page is a collection of Judge Coffin signatures. The first two relate to Docket 68 and 70 of subject case. The others come from other random cases. The ones used in my case differ significantly. The third one down appears to have been generated by the system but not the others.
2. The signature issue alone lacks transparency. When coupled with the misspelling of my name, Docket 68 is hard-core fraud akin to Murder of the Justice System. I cannot imagine a more serious and alarming situation.
3. Judge McShane told me on the telephone that happened while he was a “transition judge” and now he ducks my calls. The judges never met me. There were no hearings ever. There is only what Wells Fargo and their attorneys-who-are-criminals wrote in Docket 68 in continued attempts to conceal evidence.

Thank you, from Andy Clark 3270 Stoney Ridge Rd. Eugene OR 97405  
541.510.3915 OperationSunriseLaw@gmail.com www.RisePatriot.com  
www.WellsFargoWitz.com www.DoggyMcStyleLAW.com  
www.DistrictCourtOregon.com www.TheEugeneBlairProject.com

DATED this 24 day of November, 2014.

  
\_\_\_\_\_  
Thomas M. Coffin  
United States Magistrate Judge

DATED this 24 day of November, 2014.

  
\_\_\_\_\_  
Thomas M. Coffin  
United States Magistrate Judge

IT IS SO ORDERED

DATED this 30<sup>T</sup> day of November 2011.

ELAW's petition for \$32,945.20 in fees.

case # not on document

  
\_\_\_\_\_  
THOMAS M. COFFIN  
United States Magistrate Judge

DATED this 28<sup>T</sup> day of June 2017.

  
\_\_\_\_\_  
THOMAS M. COFFIN  
United States Magistrate Judge

DATED this 15<sup>T</sup> day of January, 2014.

  
\_\_\_\_\_  
THOMAS M. COFFIN  
United States Magistrate Judge

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

ANDREW G. CLARKE,

Plaintiff,

6:14-cv-01103-TC

v.

ORDER

WELLS FARGO BANK, N.A.,  
Et al.,

Defendants.

Coffin, Magistrate Judge.

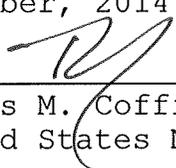
Defendant Wells Fargo Bank N.A. has submitted the Declarations of Peter D. Urias and David C. Campbell and supporting exhibits that establish the following:

Wells Fargo has repeatedly requested plaintiff Andrew G. Clark to limit his communications regarding this lawsuit to counsel of record, and to refrain from contacting Wells Fargo directly. Despite these repeated requests, plaintiff continues to direct communications to individuals other than counsel of record, including individuals employed by or directors of Wells Fargo.

Wells Fargo now moves the court for an order limiting plaintiff's communications regarding this litigation to counsel of record and to refrain from directly contacting Wells Fargo, including its officers, directors, employees, and officers, on the ground that such conduct is vexatious, oppressive, and disruptive to this litigation. Motion for order limiting contact (#56).

Defendant's Motion (#56) is allowed. IT IS HEREBY ORDERED that plaintiff shall not contact or communicate with any officer, director, employee or other person associated with defendant Wells Fargo concerning this litigation or any other matter, without authorization by specific order of this court. All such communication shall be directed only to counsel of record. Any suggestion that plaintiff has failed to comply with the requirements of this order will result in sanctions for contempt of court, which may include dismissal of this proceeding.

DATED this 24 day of November, 2014.

  
\_\_\_\_\_  
Thomas M. Coffin  
United States Magistrate Judge

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

ANDREW G. CLARK,

Plaintiff,

6:14-cv-01103-TC

v.

ORDER

WELLS FARGO BANK, N.A.,  
Et al.,

Defendants.

Coffin, Magistrate Judge.

Plaintiff *pro se* has filed what can only be characterized as a nuisance lawsuit against various defendants. Plaintiff's complaint does not comply with the minimal pleading requirements of Federal Rule of Civil Procedure 8(a) and plaintiff has alleged claims against defendants that are immune from liability or have other dispositive defenses. Moreover, the record before the court indicates that most if not all of plaintiff's claims are barred by *res judicata* or the doctrine of issue preclusion.

Several defendants have filed motions to dismiss. (#7),

(#10), (#43) and (#66). Plaintiff has filed a number of mostly improper motions, but has not responded in any meaningful way to defendants' dispositive motions.

Therefore, IT IS HEREBY ORDERED that plaintiff shall show cause in writing within 30 days of the date of this order why defendants' motions to dismiss (#7), (#10), (#43) and (#66) should not be allowed. No extensions of time to comply with this order will be allowed. Plaintiff is advised that failure to show cause as directed herein will result in the dismissal of this proceeding for failure to prosecute.

Defendant Alex Gardner and State of Oregon's Motion to Stay Discovery (#42) is allowed.

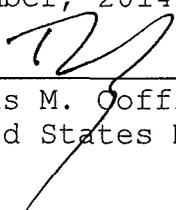
All other pending motions (#21), (#23), (26), (#36), (#38) (#41) (#45) (#46), (#48), (#49), (#50), (#51), (#52), (#53), (#55), and (#61) are denied without prejudice to request reconsideration after plaintiff has filed a response as directed herein.

Plaintiff is advised that litigation is not a game in which he can make up his own rules. *Pro se* litigants must follow the same rules of procedure that govern other litigants. Ovitsky v. Oregon, 2014 U.S. Dist. LEXIS 12892, \*7-8 (D. Or. Feb. 3, 2014), citing King v. Atiyeh, 814 F.2d 565, 567 (9<sup>th</sup> Cir. 1987), overruled on other grounds by Lacy v. Maricopa County, 693 F.2d 896 (9<sup>th</sup> Cir. 2012).

Plaintiff is further advised that vexatious and abusive tactics will not be tolerated and may subject him to penalties for contempt of court.

IT IS SO ORDERED.

DATED this 24 day of November, 2014. .

  
\_\_\_\_\_  
Thomas M. Coffin  
United States Magistrate Judge

Judge Coffin advised Plaintiff that “litigation is not a game in which he can make up his own rules,” and informed Plaintiff that proceeding *pro se* does not absolve Plaintiff of following the rules of civil procedure. Finally, Judge Coffin “advised that vexatious and abusive tactics will not be tolerated and may subject him to penalties for contempt of court.”

Plaintiff made blanket objections to the entire order. *See* ECF No. 75. When either party timely objects to any portion of a magistrate judge’s ruling on a non-dispositive pretrial matter, the district court may set aside any portion of the ruling found to be “clearly erroneous or contrary to law.” 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a). I find Judge Coffin’s Order, ECF No. 70, to be neither clearly erroneous nor contrary to law and adopt it in full. I agree fully with Judge Coffin’s view that Plaintiff’s action “can only be characterized as a nuisance lawsuit.” Additionally, warning Plaintiff his actions could subject him to contempt of court was entirely appropriate in this instance.

IT IS SO ORDERED.

DATED this 9th day of April, 2015.

/s/ Michael J. McShane  
Michael J. McShane  
United States District Judge