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September 29, 2015

The Hon. Merrick B. Garland, Chief Judge
U.S. Court of Appeals for the D.C. Circuit
333 Constitution Ave., NW
Washington, DC 20001

Re: Judicial Complaint No. DC-15-90003

Chief Judge Garland:

I write concerning my January 26, 2015 judicial misconduct complaint against Judge Ellen S. Huvelle, and particularly to urge the transfer of my complaint to another circuit. As set forth herein, you have a conflict of interest, as do at least half of the members of the Judicial Council of the D.C. Circuit. Furthermore, the district court has retaliated against me since I filed the complaint, and it appears that both the district and circuit judges are “circling the wagons” to protect Judge Huvelle from the consequences of her misconduct.

At the Court's direction, I provided hard copies of the evidence in support of my complaint against Judge Huvelle on February 13, 2015. According to Rule 11 of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, the chief judge is supposed to conduct a *limited* preliminary review of the evidence to determine whether to dismiss the complaint or appoint a three-judge panel to investigate the charges.

In conducting the inquiry, the chief judge must not determine any reasonably disputed issue. Any such determination must be left to a special committee appointed under Rule and to the judicial council that considers the special committee's report.

Id. at Rule 11(b). My complaint has now been pending for eight months without any discernible action. And while I understand that it might take eight months (or longer) to investigate Judge Huvelle, I do not understand why it should take eight months to decide *whether* to investigate Judge Huvelle.

My January 24, 2015 complaint was based on a January 7, 2015 letter to the Justice Department and the FBI, and the latter included 41 evidentiary exhibits in support. According to that evidence, Judge Huvelle had been secretly communicating *ex parte* with opposing counsel (and possibly a witness) around the time that she was covering up their crimes in her courtroom. Among the specific incidents set forth in that letter were the following:

- At the initial scheduling conference, with nothing more than the initial pleadings in front of her, Judge Huvelle impugned my client as a “rat” and said she was going to award the disputed funds to the other party, never mind the fact she had not heard any evidence or the fact that my client had demanded a jury trial.
- When the opposing party implicated his attorneys in forging his signature onto an affidavit, Judge Huvelle covered it up. Subsequently obtained evidence indicates that the affidavit was, in fact, forged by one of the attorneys for the opposing party.
- When my client obtained proof that the opposing party and his attorneys had filed false interrogatory responses to conceal an adverse witness, Judge Huvelle covered that up.
- The opposing party and his attorneys tampered with medical evidence in order to conceal the fact that he suffers from paranoid schizophrenia and is a pathological liar. Worse, they filed false statements with the court in order to conceal the fact that the opposing party was actively psychotic *during his trial testimony*. A \$7 million verdict was entered against my client largely based on that testimony. When the foregoing information was made known to Judge Huvelle, she ignored it.
- The psychiatrist for the opposing party told a witness that he had disclosed the opposing party's schizophrenia to “the court.” He apparently was referring to Judge Huvelle's court, but Judge Huvelle never disclosed the schizophrenia or any *ex parte* communications with the psychiatrist.

Additional instances of misconduct are outlined in the January 7, 2015 letter.

After filing the misconduct complaint against Judge Huvelle, I personally provided her with a copy of that complaint. On June 19, 2015, I copied her on another letter explaining that she had a legal duty to investigate any fraud perpetrated on her court. As before, she simply ignored the misconduct, presumably because of her own role in it.

Every active member (and most senior members) of the Court of Appeals has been made aware of Judge Huvelle's misconduct in one or more of the following cases, either by serving on a panel or reviewing a petition for rehearing *en banc*: 10-5231 (original proceeding), 10-7033 (interlocutory), 11-7026 (final), and 12-7100 (final). You personally served on the panel that heard Case No. 10-7033. Each time, you and/or your colleagues ignored her misconduct, issuing perfunctory *per curiam* opinions that never acknowledged the issue. From reading the opinions, you would never know that the issue had been raised and fully briefed by the parties.

Admittedly, the *ex parte* communications and some of the evidence tampering (*i.e.*, the concealment of the opposing party's schizophrenia) were not discovered until after the case was closed. Nonetheless, Judge Huvelle's escalating misconduct was

brought to the circuit's attention in an original petition, an interlocutory appeal, and two related final appeals, but each time the circuit turned a blind eye.

Therein lies the conflict of interest. If you now acknowledge the evidence of her misconduct in my complaint, you will inevitably impugn yourself and your colleagues for having turned a blind eye for so long. And in light of the eight-month delay in deciding whether to investigate, it certainly looks as if my complaint is being stonewalled.

I have been very outspoken about Judge Huvelle's misconduct and her colleagues' role in protecting her, and it now appears that the district court is retaliating. I have enclosed a July 13, 2015 letter that I sent to the attorney grievance committee of the district court, and I incorporate that letter herein by reference. Instead of investigating the attorneys who suborned perjury, tampered with evidence, forged a signature, obstructed justice, etc., the district court committee is instead investigating and threatening me. That looks and smells a lot like whistleblower retaliation.

Similarly, the Court of Appeals buried my grievance against some of the same attorneys, namely Patrick Kearney, Michael Bramnick, and Jeffrey Bloom. Whereas a complaint such as mine normally would have been referred to the circuit's grievance committee, Judges Henderson, Millett, and Wilkins ordered Mr. Kearney, Mr. Bramnick, and Mr. Bloom to respond directly to the panel in 20 pages or less. At first I thought that meant my complaint was being taken more seriously (given all the damning evidence that I had submitted), but in fact the exact opposite was true: it now appears that the panel was running interference before deciding whether to let the committee see my grievance. Mr. Kearney and Mr. Bramnick spent 13 of their twenty pages attacking me, and only seven responding to the charges. They ignored most of the evidence that I submitted, instead responding with generic denials. Mr. Bloom's communications with the panel were purely *ex parte* (including his response to my objection to the *ex parte* communications), so I do not know what he said.

On August 12, 2015, the panel issued three perfunctory orders with identical language: "The grievance does not present a colorable claim of attorney misconduct warranting a referral to the Committee on Admissions and Grievances." So the Court received documentary and testimonial evidence that attorneys forged a signature, tampered with evidence, suborned perjury, and communicated *ex parte* with the presiding judge, and the panel does not think that is even a "colorable claim of attorney misconduct," therefore no investigation is necessary. What a farce.

By copy of this letter to Senator Charles Grassley, Congressman Bob Goodlatte, and the Judicial Conference of the United States, I request an investigation into the taint and corruption in the federal courts of D.C. I further request the recusal of all of the active judges of the D.C. Circuit (and any senior judges who have participated in the matters involving Judge Huvelle) from any case in which I appear as a party or counsel.

Finally, I encourage you to Google my name in conjunction with the name of U.S. District Judge Walter S. Smith, U.S. District Judge Frank Martinez, Senior U.S. District Judge Harry Lee Hudspeth, Texas Attorney General Ken Paxton, Snoop Dogg, Robertson

County District Attorney John Paschall, Robertson County District Judge Robert Stem, Collin County District Attorney Greg Willis, Hearne Mayor Ruben Gomez, Hearne City Councilman Michael Werlinger, attorney Gaines West, or Coach Steve Mulkey. I've never tolerated corruption or judicial misconduct before, and I don't intend to start now.

The D.C. Circuit can sanction me, suspend me, or disbar me, but unless it plans to send me to Guantanamo, it will not be able to sweep Judge Huvelle's misconduct under the rug. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ty Clevenger', with a long horizontal flourish extending to the right.

Ty Clevenger

cc: Senator Charles Grassley, Chairman
Judiciary Committee of the U.S. Senate
Congressman Bob Goodlatte, Chairman
Judiciary Committee of the U.S. House of Representatives
Judicial Conference of the United States
Judges, U.S. Court of Appeals for the D.C. Circuit