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March 25, 2016

Judicial Council of the D.C. Circuit
E. Barrett Prettyman U.S. Courthouse
333 Constitution Avenue, N.W.
Washington, D.C. 20001

RE: Judicial Council Complaint No. DC-15-90003

Members of the Council:

I write to appeal the February 18, 2016 order signed by Acting Chief Judge Karen LeCraft Henderson in Case No. DC-15-90003 (Judge Ellen S. Huvelle). I incorporate herein by reference my September 29, 2015 and January 16, 2016 letters to Chief Judge Merrick Garland and my June 19, 2015 letter to Chief Judge Richard W. Roberts (enclosed). As a preliminary matter, I must renew my request for the transfer of this case to another circuit. For the reasons set forth in the foregoing letters, Judge Henderson has a serious conflict of interest, as do all of the members of the Judicial Council.

In her February 18, 2016 memorandum opinion, Judge Henderson wrote that “complainant's allegations regarding fraud, cover-up, and bias have been raised and exhaustively litigated in numerous proceedings in the district court, bankruptcy court, and court of appeals, and have found to be meritless.” That statement is provably false, and it illustrates Judge Henderson's conflict of interest as well as that of her colleagues on the court of appeals.

The courts have not yet adjudicated anything related to William C. Cartinhour's schizophrenia, his incapacity, or the related fraud, *e.g.*, his attorneys tampering with evidence in order to remove all references to his mental illness. One reason for that is obvious: his schizophrenia and the related fraud were not discovered until *after* all of the proceedings in the district court, bankruptcy court, and court of appeals.

On the other hand, I provided evidence that Mr. Cartinhour's psychiatrist revealed his schizophrenia to “the court,” which could only have referred to Judge Huvelle's court. If it is true that Judge Huvelle knew about his schizophrenia during the trial, then she knew about the fraud on her own court but concealed it from my client and the jury. There are no other possibilities.

If Judge Huvelle knew about Mr. Cartinhour's schizophrenia during the trial, then she aided and abetted obstruction of justice, perjury, evidence tampering, etc. because she

knew about the crimes and concealed them while they were occurring. Alternatively, if she did not learn about his schizophrenia and the related fraud until she received a copy of my January 26, 2016 misconduct complaint (which I copied to her at the time), then she became an accessory after the fact.

That is so because the law imposed a duty on her to correct the fraud on her court, as pointed out in my June 19, 2015 and September 29, 2015 letters, but instead she did absolutely nothing. And therein lies the problem for Chief Judge Garland, Judge Henderson, and their colleagues. As pointed out in my earlier letters, the fraud concerning Mr. Cartinhour's incapacity reached into the court of appeals in multiple cases, yet the appellate judges did the same thing as Judge Huvelle, *i.e.*, nothing. In other words, the judges of the court of appeals have, like Judge Huvelle, become accessories after the fact.

Hence the conflict of interest. Whereas the appellate judges may originally have sought to protect a colleague from the consequences of her misconduct – which is bad enough all by itself – they now have an incentive to protect themselves from their own role in covering up the fraud. And it bears repeating that the courts have not considered Mr. Cartinhour's schizophrenia or the related fraud, thus Judge Henderson's order is demonstrably in error. Likewise, the courts have not considered the new and unequivocal evidence – first presented in my January 26, 2015 judicial misconduct complaint – that Mr. Cartinhours attorneys forged his signature onto an affidavit.

That said, it is somewhat understandable that Judge Henderson would write that “complainant's allegations regarding fraud, cover-up, and bias have been raised and exhaustively litigated...” The ongoing scandal in the E. Barrett Prettyman Courthouse did not begin with the discovery of Mr. Cartinhour's schizophrenia. At the initial scheduling conference in *Robertson v. Cartinhour* on December 15, 2009, with nothing more than a complaint in front of her and without having heard any evidence, Judge Huvelle impugned my client as a “rat” based on her “sixth sense.” She then announced that she was going to award the disputed funds to Mr. Cartinhour, never mind the fact that both parties had demanded a jury trial. Finally, she froze all of my clients assets *sua sponte* without notice, a hearing, or a chance to respond, but only based on her “sixth sense.”

In any civilized country, that should have resulted in a recusal and a stern rebuke. Instead, the court of appeals ignored Judge Huvelle's misconduct on at least four occasions, acting as if her bias and misconduct had never even been raised before the court. And the predictable result was escalating misconduct. When Mr. Cartinhour implicated his own attorneys in forging his signature on an affidavit, Judge Huvelle covered it up, and the D.C. Circuit covered up for Judge Huvelle. When the same attorneys knowingly filed false discovery responses in order to conceal an adverse witness, Judge Huvelle covered it up, and the D.C. Circuit covered up for Judge Huvelle.

And so now we've reached the point where multiple felonies have been perpetrated by the same attorneys, and a \$7 million fraud has been perpetrated against my client, but nobody in the E. Barrett Prettyman courthouse has the decency to admit that

maybe – just *maybe* – somebody in a black robe made a mistake along the way. No, at this point everyone in the courthouse is hellbent on sweeping it all under the rug. Meanwhile, the district court refuses to *even to investigate* the criminal misconduct of Mr. Cartinhour's attorneys, but instead wants to disbar the whistleblower who reported it (*i.e.*, me).

In light of all this chicanery, no one should be surprised at Judge Henderson's tortured attempt to rationalize Judge Huvelle's misconduct. And it is indeed tortured. With respect to ex parte communications, Judge Henderson carefully avoids the most damning evidence against Judge Huvelle, namely her awareness of the payment arrangements between Mr. Cartinhour and his attorneys. That information was never revealed in court or in the pleadings, so she could only have learned it via ex parte communications. According to the evidence, those ex parte communications would have occurred prior to the “administrative task” wherein she asked two Maryland attorneys to determine whether Mr. Cartinhour needed a guardian. Likewise, Judge Henderson sidestepped the evidence that Judge Huvelle communicated ex parte with a witness, namely Mr. Cartinhour's psychiatrist.

With respect to the appointment of the two Maryland attorneys, on what basis did Judge Henderson declare the inquiry an “administrative task” that is somehow immune from the law governing ex parte communications? According to Judicial Canon 3A(4), a “judge should accord to every person who is legally interested in a proceeding, or the person's lawyer, full right to be heard according to law, and, except as authorized by law, neither initiate nor consider ex parte communications on the merits, or procedures affecting the merits, of a pending or impending proceeding.” Judge Henderson does not point to any specific exception “authorized by law,” and indeed I am not aware of one that would apply here.

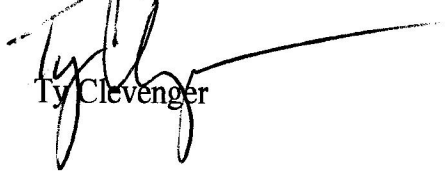
When the “administrative task” occurred, *Robertson v. Cartinhour* was pending before the court of appeals, and two of the issues in both the trial court and the appellate court were (1) whether Mr. Cartinhour was competent, and (2) whether he had the capacity to retain the attorneys who purported to represent him. At that time, my client and I were still unaware of the evidence that Mr. Cartinhour was a paranoid schizophrenic (and a pathological liar), because Mr. Cartinhour's attorneys had tampered with his medical records. Thus Judge Huvelle's ex parte communications about whether Mr. Cartinhour was competent to manage his own financial affairs were directly relevant to the merits. And if she learned about his schizophrenia by communicating ex parte with his psychiatrist, then her misconduct was compounded by the fact that she covered up the related fraud on the court.

In my January 16, 2016 letter to Chief Judge Garland, I noted that I have publicly criticized the foregoing misconduct on my blog and on a separate website. Both of those sites have been cited by major publications in the United States and beyond (although not necessarily for the same reason). I have even mentioned some Judicial Council members by name. *See, e.g.*, “More crime and corruption in the federal judiciary,” February 17,

2016, <http://lawflog.com/?p=1048>.¹ Accordingly, no one in my position could expect unbiased consideration from the D.C. Circuit Judicial Council.

Please forward this appeal to the Judicial Conference for reassignment to another circuit. Thank you for your consideration.

Sincerely,

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

Ty Clevenger

¹ That post presents additional evidence that the district court's grievance committee, which was chaired by Judge Huvelle's former law partner, is being used to retaliate against me. In light of this, it is only fair to inquire about the nature of Judge Huvelle's communications with that committee both in 2010 and 2015.