

28 U.S.C. 351(a) Complaint
In The United States Court of Appeals
Eighth Circuit

Denny Ray Hardin, Complainant
#22264045
Leavenworth Dentention Center
100 Highway Terrace
Leavenworth, Kansas 66048

Chief Judge Fernando J. Gaitan, Accused
United States District Court
Western District of Missouri
400 East 9th Street
Kansas City, Missouri 64106

Reference Case No. 10-00131-01-CR-W-FJG

UNITED STATES OF AMERICA v. DENNY RAY HARDIN

Statement of Truth

I, Denny-Ray:Hardin, now file this formal complaint against Magistrate Robert Larsen because of his repeated refusal to administer “Due Process of Law”; repeated refusal to act within the laws that govern his conduct and his failure to conduct the business of the court in a professional and efficient manner. Based upon these acts, I believe Magistrate Larsen has become delusional and Mentally Incompetant in his belief that he can violate Constitutional Rights, Codes of Judicial Conduct and Law that governs his public office. The following are “facts” that give raise to this “complaint”. They are true and correct to the best of my knowledge and beliefs without purpose to mislead.

“Facts”

1) In November of 2008, Magistrate Robert Larsen signed a search warrant, without a signed statement of probable cause, required by the 4th Amendment. This search warrant was utilized by FBI Agent VanCycle and Kansas City S.W.A.T. to conduct a “Bank Robbery” 18 U.S.C. 2113 of my “Private Bank” under the color of law. A criminal complaint, by Affidavit, was filed with Chief Judge Fernando J. Gaitan who refused to prosecute in clear “Misprison of Felony” 18 U.S.C. 4 (Evidenced by Court Records)

2) On May 10, 2010, I was “Kidnapped” 18 U.S.C. 1201, by FBI Agent VanCycle, and brought before Magistrate Larsen, without consent, against my will, without a warrant, without a statement of probable cause, based upon an “Indictment” of “Fraud” 18 U.S.C. 1001. I informed Magistrate Larsen of his clear “Conflict of Interest” (pursuant to fact 1) and he refused to recuse himself. I assert this refusal to be a clear violation of 28 U.S.C. 455(a), because his impartiality is clear biased and prejudicial, his refusal also violates 28 U.S.C. 455(b)(1). (Evidenced by Transcripts/ Witnesses First Hand Knowledge Testimony)

3) On May 10, 2010, I requested a true statement of the Court’s jurisdiction within the “15 Statutes at Large”. Magistrate Larsen refused to state his jurisdiction, Rule 12(b)(3)(B) says at anytime while the case is pending the court may hear a claim that the Indictment fails to invoke the Court’s jurisdiction. To date Magistrate Larsen has failed to establish his jurisdiction in this cause of action on the record. I assert this is denial of “Due Process of Law” in violation of the 5th Amendment. It is common knowledge the jurisdiction of a court may be challenged at anytime, even on Appeal. (Evidenced by Transcripts/Witnesses First Hand Knowledge Testimony)

4) On May 13, 2010, Magistrate Robert Larsen appointed Anita Burns as counsel. I terminated her counsel in open court and asserted my right to act as my own counsel within the 6th Amendment. Magistrate Larsen refused my right in violation of 28 U.S.C. 1654. Anita Burns has acted in clear "Prosecutorial Misconduct" and "Fraud on the Court" with Magistrate Larsen to order a "Mental Competency Evaluation". A person is only supposed to be held for 45 days for a "Mental Competency Evaluation" within 18 U.S.C. 4243. As of September 6, 2010, I have been held 120 days and denied the "Mental Competency Hearing" 18 U.S.C. 4247(d) to date. I assert this is clear "Conspiracy against Rights" 18 U.S.C. 241 and "Deprivation of rights under the color of law" 18 U.S.C. 242. The Court's file contains lawful notification of these crimes. (Evidenced by Court's Records/ Custody of U.S. Marshals)

5) On May 13, 2010, Magistrate Larsen closed court to all motions of Denny-Ray: Hardin, by verbal order to the clerk of the court, not to file any pro se motions in this case. This is clear violation of 28 U.S.C. 452 that deems "Court is always open" for this purpose. On June 28, 2010 Denny-Ray: Hardin filed "Application for Habeas Corpus" to Chief Judge Fernando J. Gaitan that has not been docketed to date. Because I am restrained for "Mental Evaluation" "Habeas Corpus" is unimpaired 18 U.S.C. 4247(G). On September 6, 2010 "Demand to Open Court" was sent to Chief Judge Fernando J. Gaitan, to date Court is closed to Denny-Ray: Hardin. By Complying with the order of Magistrate Larsen, the clerk of the court has violated my 1st Amendment right to petition for redress of grievances and suspended Habeas Corpus in violation of Article I, Section 9 of the Constitution for the United States of America. This is clearly "Conspiracy against rights" 18 U.S.C. 241 AND DENIAL OF "Due process of Law" in violation of the 5th Amendment. (Evidenced by Transcripts/Witnesses First Hand Knowledge Testimony)

6) On May 13, 2010, was supposed to be a hearing for release pending trial within 18 U.S.C. 3142. Magistrate Larsen based upon Anita Burns's "Motion for Mental Evaluation" refused to conduct a "Bail Hearing" within his duty 18 U.S.C. 3041 and denied "Bond" in violation of the 8th Amendment. I believe this to be premeditated conspiracy between Magistrate Larsen, Anita Burns and U.S. Attorney Brian Casey. Based upon "False Declarations to the Court" 18 U.S.C. 1623 that the "STATE OF MISSOURI" had me declared delusional. Magistrate Larsen refused a hearing and ordered me incarcerated based upon "Fraud" 18 U.S.C. 1001. I was not ever determined to be delusional by any authority of the state of Missouri. I would prove this "fact" if I was ever allowed a "Mental Competency Hearing" 18 U.S.C. 4247(d) that I have been refused to date. For 120 days I have been awaiting a hearing that is required to be conducted within 45 days by 18 U.S.C. 4243. This is clearly "Conspiracy of Kidnapping" 18 U.S.C. 1201© and "Hostage taking" 18 U.S.C. 1203. Finally clear denial of "due process of Law" under the 5th Amendment. (Evidenced by Court's Record/Trancripts/Witnesses First Hand Knowledge Testimony)

7) On May 24, 2010 my "Power of Attorney" filed documents to the Chief Judge Fernando J. Gaitan establishing a "Fiduciary Relationship" with him, Magistrate Larsen and others. Rather than disqualify himself from the case as required by 28 U.S.C. 455(b)(4), Magistrate Larsen issued an order that has been utilized by "Correction Corporations of America" and the "Federal Bureau of Prisons" to keep me in "Administrative Segregation" for over 105 days, without phone, without visitation and most recently without mail. "Obstruction of Correspondence" 18 U.S.C. 1702 is a felony crime. I deem this "Cruel and unusual Punishment" considering I have violated no rule

or regulation to warrant such treatment. I assert this is a "tort crime" of torture under 28 U.S.C. 1350 in violation of the 8th Amendment. (Evidenced by Court Order 5/24/2010/Prison records of Administrative Segregation)

8) I sit in "Administrative Segregation" for 105 days without a lawful complaint signed under the penalty of perjury required by Rule 3 of the F.R.C.P. (Federal Rules of Criminal Procedure). I was arrested by the FBI without a lawful warrant required by Rule 4 of the F.R.C.P. I have been incarcerated without Complaint required by Rule 5(b) that meets Rule 4(a)'s requirement of probable cause. I have been "Kidnapped" by force and Fraud 18 U.S.C. 1201(c) in a "Conspiracy against rights" 18 U.S.C. 241 THAT HAS HELD ME "Hostage" 18 U.S.C. 1203 since May 10, 2010. I have been forced to endure "Segregation" of "Federal Prisons" when the law requires a "Federal Medical Center" to conduct a "Mental Competency Evaluation". All of these violations of Due Process of law and no protection of law allowed. I demand a copy of a lawful Probable Cause; the Indictment is not signed under the penalty of perjury, therefore fails to meet the 4th Amendment requirement. I demand a true statement of the jurisdiction of the Court to hold me. I demand these most basic rights "Ad Prosequendum". Either, produce or release me. (Evidenced by Court's Records)

For the Foregoing reasons, I request Robert Larsen be removed from Public Office pending a complete "Mental Evaluation" of his capacity to serve as a "Public Servant" of the American People.

Date September 7, 2010

A handwritten signature in black ink that reads "Denny-Ray Hardin". The signature is written in a cursive, flowing style with a large, prominent loop at the end of the name.

Denny-Ray: Hardin sui juris

All rights reserved UCC1-308

Formally UCC1-207

I agree with Denny-Ray: Hardin that United States Magistrate Robert E. Larsen and Chief United States District Judge Fernando J. Gaitan, Jr. should be removed from the bench.

Signed: _____

Address _____
