

Leave to file DENIED

per prior Order

Montgomery Blair Sibley

Ch. U.S.D.S.

2-11-16

MONTGOMERY BLAIR SIBLEY

February 8, 2016

Via USPS Delivery Confirmation
Clerk's Office
United States Courthouse
333 Constitution Avenue, NW
Washington, D.C. 20001
202-354-3173

Re: *U.S. v. Palfrey*
Case No.: 07-046-JR

Greetings:

Please find enclosed an original and a copy for Chambers of: (i) Motion to Reconsider on and Expedited Basis the Motion to Modify Restraining Order to Permit the Release of Telephone Records Received Pursuant to Subpoenas but Never Made Public and Other Records and (ii) Motion and Affidavit to Disqualify Chief Judge Richard W. Roberts.

Respectfully, I trust you will not "conceal" these motions as was my "Motion to Modify Restraining Order to Permit the Release of Telephone Records Received Pursuant to Subpoenas but Never Made Public and Other Records" which was received on January 11, 2016, but not recorded on the docket in the above matter.

Indeed, I maintain that to Fail to promptly file my enclosed motions violates your oath and legal obligations. As you know, your oath pursuant to 28 USC §951 obligates you "truly and faithfully enter and record all orders, decrees, judgments and proceedings of such court. . ." To fail to fully "record" the proceedings in the above matter which includes my motions, I submit violates that Oath and opens the Clerk to civil liability which you can be sure I will expeditiously pursue.

More importantly, Fed Rules Crim Proc R 49(d) "Filing" states in pertinent part: "A paper must be filed in a manner provided for in a civil action." Fed Rules Civ Proc R 79(a)(2) states in pertinent part: "Items to be Entered. The following items must be marked with the file number and entered chronologically in the docket: (A) papers filed with the

MontyBSibley@gmail.com
202-643-7232

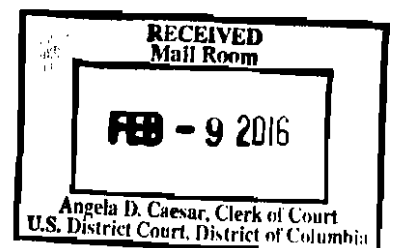
402 King Farm Blvd, Suite 125/145
Rockville, Maryland 20850

RECEIVED

FEB 16 2016

Clark, U.S. District & Bankruptcy
Courts for the District of Columbia

Exhibit "E"



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clerk; . . .".

Hence, absent Court order, there is no authority to delay filing my Motions. Pointedly, it is a felony under 18 USC § 2071(b) to: "willfully and unlawfully conceal [or] obliterate" any "paper, document, or other thing, filed or deposited with any clerk or officer of any court of the United States". For you to "conceal" my motions is, my estimation; a felony.

Accordingly, I look forward to promptly seeing the enclosed motions docketed on PACER upon receipt by your office.

yours,

A handwritten signature in black ink, appearing to be 'MBS', with a long horizontal stroke extending to the right.