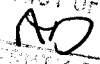


FILED

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

17 NOV -6 PM 3:52
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY: 
REPT. CLERK

Cause No.: 1:17-cv-00747

JOSEPH BASEL, individually, and as next friend for)	In a removal from the 126th District
AMERICAN PHOENIX FOUNDATION, INC.,)	Court of Travis County, Texas
Petitioners,)	
v.)	State case no.: D-1-GN-15-002332
STEVE BRESNEN, individually, DAN SHELLEY,)	("Bresnen v. Amer. Phoenix Fndn.")
individually, and the STATE OF TEXAS,)	
Respondents.)	Judge Darlene Byrne, presiding

**Rule 59(e) Motion to Correct Errors, Fourth Notice of Tort Claims,
and Formal Request for Findings of Fact and Conclusions of Law**

Comes now removal Petitioner, Joseph Basel, again complaining of willfully direct criminal fraud upon the Court by the Judge and opposing counsel, demanding correction of plain errors therefore also, noticing of the new tortious injuries and related claims for compensation, and with further formal request for actual findings of fact and conclusions of law, particularly with direct regards to actually addressing raised constitutional issues of the challenged state statutes, to-wit:

THIS MOTION IS TIMELY FILED

On October 6, 2017, the Court issued its wholly fraudulent "Order" of remand (Dkt. 23) and "Judgment and Remand" (Dkt. 24), including apparently *dicta* levy of wholly fraudulent and utterly baseless sanctions against Petitioners *without* allowing the required Rule time of fourteen (14) days for Petitioners to even respond to Mr. Barnstone's motion for said baseless sanctions that had been just filed on September 29th—only seven (7) calendar days earlier – and also with the Court clearly paying no attention whatsoever to the several extremely serious matters filed by Petitioners into this same case upon that same day, October 6, 2017, as said general responses.

Regardless and notwithstanding, service of both such ostensible Orders was performed by the Clerk via postal mail upon the undersigned Petitioners, hence Rule 6 provides both the automatic three (3) additional days, and that finally, today is the next business day after weekend deadline.

INCORPORATION OF FILINGS NEVER YET ADDRESSED BY THE COURT

Petitioners hereby and now incorporate by reference for all purposes, the same as if they had each been fully set forth herein (H.I.), all filings and exhibits submitted within this cause by the Petitioners generally, *passim*, but particularly with respect to these following relevant items:

a) Motion for Entry of Default (Dkt. 17), against formal Respondent State of Texas, who never once entered any appearance herein, and also never once answered, defended or otherwise pled, whatsoever – *absolutely entitling* Petitioners to said Entry of Default against formal Respondent State of Texas (*id.*);

b) Motion for Entry of Default (Dkt. 18), against formal Respondent Dan Shelley, who never once entered any appearance herein, and also never once answered, defended or otherwise pled, whatsoever – *absolutely entitling* Petitioners to said Entry of Default against formal Respondent Dan Shelley (*id.*);

c) Third Notice of Tort Claims and Demand for Formal Investigation, with Directly Related Demand Praecepte for the Clerk to Remedy Violations (Dkt. 21), regarding various tortious acts of raw and bumbling incompetence by the Judge, Clerk and other officers of this Court in clearly failing *express* duties, as well as *wildly* screwing up multiple issues of fundamental case “framework” and related items, and including even outright Obstructions of Justice clearly perpetrated by the officers of this Court (*id.*);

d) Petitioners’ Response to the Court in Regards to Scheduling Issues (Dkt. 25), noting that **ALL** of the opposing counsel and that **ALL** of the Respondents were clearly acting in

bad faith in refusing to obey law and rules requiring meet/confer for scheduling issues as was also expressly ordered by this Court previously (*id.*);

e) and of prime relevance, Notice of Mr. Barnstone's Willful Criminal Fraud upon the Court; and Motion for Joinder and/or Substitution of the Real Parties in Interest (Dkt. 26), clearly covering in depth each of the following serious constitutional/due process issues:

1) This removal case is all about, and is by clear definition of law, a direct and formal federal constitutional challenge case to certain Texas state statutes, regarding well established rights to political donor privacy and protection thereof (*id.* at 1-2);

2) That all of the individual Respondents absolutely knew and know that they never had any valid state court case, *ab initio*, due to total lack of statutorily required steps in prerequisite, also due to total lack of lawful venue county, and further also due to total lack of any statutory basis, whatsoever, to even begin attempting to do the things the state court actors were attempting to do, and have partially perpetrated already, i.e., that even if they *had* actually had an otherwise valid case, the actions perpetrated by the state court were not even possible under Texas laws (*id.* at 2-4);

3) That Mr. Barnstone (alleged counsel for ?? herein) has never once filed his any appearance in this case as required by clear law and clear rules, hence his any motion in this case was and still is a legal nullity, could NOT lawfully be ever addressed by this Court, and absolutely could NOT ever be "granted" by this Court (*id.* at 4);

4) That every single averment, claim and statement entered within this case by Mr. Barnstone, by virtue of the fact that he already knew and knows the state court case he himself began is actually nothing but a manifest sham of utter legal nullity, but yet continuing to knowingly and falsely claim validity of said state court case

herein, was clearly Mr. Barnstone's own willful and knowing and multiple acts of gross misconduct and direct criminal fraud on this Court and all parties (*id.* at 4-7);

5) That further therefore, Mr. Barnstone also knew and knows that his any request for sanctions by this Court against the undersigned Petitioners was doubly-fraudulent upon this Court and all parties, by virtue of not only failing to have any actual valid claims or defenses in this matter, but also by failing to comply with the basic and very well established federal law, federal national Rules, and also the Local Rules that each and all pertain to certain mandatory prerequisites and other parameters to be met prior to asking the Court for any sanctions or fees against any party, hence because Mr. Barnstone utterly failed those required procedures, he may NOT ask for ANY sanctions, and this Court is likewise NOT permitted to grant same (*id.* at 7-8);

6) That Mr. Barnstone and the Judge of this Court, Sam Sparks, have been and were previously engaged in a recently-similar case within this very same Court, and even upon similar and/or related constitutional challenge grounds to state statutes, further the proof of their conspiracy to commit fraud upon the Court herein by any wildly disparate "dismissal" or "remand" of this substantially similar case when both Mr. Barnstone and Mr. Sparks *are already proven to know the contrary* (*id.* at 8-10);

7) That by virtue of the above/related, Mr. Barnstone and his various criminal co-conspirators within the state court action/process, as well as also his various criminal co-conspirators within this instant federal Court, are all clearly guilty, in conclusive black and white by their own hands, of an entire litany of Texas state felony and misdemeanor crimes, and also of an entire litany of Federal felony and misdemeanor crimes, hence all must be criminally prosecuted for their wanton acts, (*id.* at 10-17);

8) That the established laws of Texas, the established rules of Texas state courts, the established laws of the United States, the established rules of the federal courts, also the established Local Rules of this instant Court, all separately and together do MANDATE that the Judge of this Court, Mr. Sam Sparks, must and shall report the numerous acts of criminal misconduct by Mr. Barnstone to the Texas State Bar and such other related disciplinary authorities, as well as suspend his license to practice law, as well as cause the immediate arrest, prosecution and related criminal process against Mr. Barnstone, along with the same upon his co-conspirators (*id.* at 17-22);

9) And also, that this Court – prior to entering any final judgments – address the fact that the real parties in interest had not yet been joined into this action yet, as is clearly required by federal law and rules, and that all three (3) levels/units of both of the two (2) major political parties were already functionally involved (*id.* at 22-24);

SUMMARY, DEMAND FOR COMPENSATION OF TORTS, AND FORMAL

DEMAND FOR DETAILED FINDINGS OF FACT AND CONCLUSIONS OF LAW

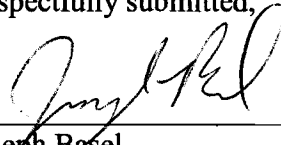
The ostensible “Order” of remand with accompanying “Judgment and Order” both manifestly and willfully issued by the Judge of this Court in acts of knowing and intentional fraud upon this Court and all parties are themselves entirely baseless and without even a single scintilla of valid, lawful merit or legal authorization, and further as directly contrary to established rule and law.

These knowing and intentional acts of willfully criminal fraud against the rights and interests of the undersigned Petitioners, and the same acts as regarding the conspiracy by Mr. Barnstone, Judge Sparks and their co-conspirators, have inflicted many federal (and state) torts upon the Petitioners, to say nothing about earning themselves very large criminally prosecutorial targets, and Petitioners are therefore entitled to and now claim significant and reasonable damages for

payment in compensation, in the new/additional amount of \$25 million USD (see also the first, second, and third Notices of Tort Claims previously filed herein).

WHEREFORE, official written claims upon the above described and various federal torts are hereby made demanding compensation of twenty five million United States dollars (\$25,000,000 USD in claims hereby made and demanded under the FCTA), with additional claims quite possible and even likely herein, Petitioners Joseph Basel and American Phoenix Foundation together move the Court for swift issuance and execution of serious and severe sanctions against at least Mr. Barnstone and Judge Sam Sparks, if not also against Mr. Bresnan and Mr. Shelley, including substantially appropriate fines, prompt placing into federal custody for want of bail to answer for their numerous willfully gross acts of professional misconduct, suspension/revocation of their bar licenses as provided by law, also moving for joinder of and/or substitution to the real parties in interest regarding the primary crux issue of political/non-profit donor privacy rights, which are in fact the one or more various Democratic and/or Republican party entities as prior mentioned, to further declare the entire instant state court proceedings void for (total) lack of due process, and we further pray for all other relief true, lawful, just and proper in these premises.

Respectfully submitted,



Joseph Basel
301 County Road 461
Coupland, TX 78615
Tel: (320) 288-6640
Email: basel.joe@gmail.com
Pro Se Petitioner Party of Record

CERTIFICATE OF SERVICE

I hereby certify: that on this 11th day of November, 2017, a true and complete copy of the above motion to correct errors, notice of tort claims, et seq., by depositing same in first class postage prepaid mail, USPS or equivalent postal carrier, has been duly served upon each of:

(Respondent Bresnen)
Steve Bresnen, SBN #02959475
1801 Lavaca Street, Suite 13L
Austin, TX 78701

(Respondent Shelley)
Dan Shelley, SBN #18193900
305 West 13th Street
Austin, TX 78701

(Respondent State of Texas)
c/o TX-AG Kenneth Paxton
P.O. Box 12548
Austin, TX 78711-2548

(State court counsel for Bresnen)
Anatole Barnstone, SBN #00793308
John Stephen Fenoglio, SBN #06904600
713 West 14th Street
Austin, TX 78701

and, I also certify that each of the following potential parties of joinder and/or substitution, today in the same manner have been served their corresponding true copy of the same above paper:

Democratic National Committee
c/o Chairman Tom Perez
430 South Capitol Street SE
Washington, DC 20003

Republican National Committee
c/o Chairwoman Ronna McDaniel
310 First Street SE
Washington, DC 20003

Texas Democratic Party
c/o Chairman Gilberto Hinojosa
1107 Lavaca Street, Suite #100
Austin, TX 78701

Republican Party of Texas
c/o Chairman James Dickey
P.O. Box 2206
Austin, TX 78768

Travis County Democratic Party
c/o Chairman Vincent Harding
1311 B E. 6th Asdf
Austin, TX 78702

Travis County Republican Party
c/o Chairman Matt Mackowiak
9420 Research Blvd., Suite 200-2G
Austin, TX 78759

and, I also certify that each of the following involved principals with various legal duties related herein have been each served their corresponding copy of the same, today, in the same manner:

Federal Tort Claims Act Section
Torts Branch, Civil Division
U.S. Department of Justice
P.O. Box 888
Benjamin Franklin Station
Washington, DC 20044

Constitutional Tort Staff
Civil Division
U.S. Department of Justice
P.O. Box 7146
Ben Franklin Station
Washington, DC 20044

U.S. Attorney General Jeff Sessions
Office of the United States Attorney General
c/o U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Linda A. Acevedo
Chief Disciplinary Counsel
State Bar of Texas
14651 N. Dallas Parkway, Suite 925
Dallas, TX 75254

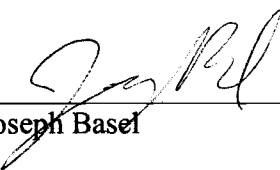
Chief Circuit Judge Carl E. Stewart
U.S. District Courthouse
300 Fannin Street, Suite 5226
Shreveport, LA 71101-3074

U.S. Attorney Richard L. Durbin, Jr.
Office of the United States Attorney
816 Congress Avenue, Suite 1000
Austin, TX 78701

Judicial Conference Committee on
Judicial Conduct and Disability
Attn: Office of General Counsel
Administrative Office of the U.S. Courts
One Columbus Circle, NE
Washington, DC 20544

Fifth Circuit Executive Paul Benjamin
("Ben") Anderson, Jr.
Office of the Circuit Executive
John Wisdom U.S. Court of Appeals Bldg
600 Camp Street
New Orleans, LA 70130

State Commission on Judicial Conduct
P.O. Box 12265
Austin, TX 78711-2265



Joseph Basel