

REQUESTS:

I checked all the briefs on the morning of the 14th (prior to handing them in) and they were all there.

Somehow the last 5 pages of the Courthouse Brief are missing (Requests Section). I don't know how that happened; but it seems it did.

- (1) **STAY/ HALT:** Page 12 of Doc. #1 (CV-15-61): "I've been Requesting this for a decade (+), so this isn't new information. I would like a STAY placed upon the PMWHR, such that ALL ACTIONS (past, present, & future) that negatively affects the wild horses (in their OWN SANCTUARY) be HALTED. That includes ALL future Gathers, Fertility Controls, and anything else the Government can manage to dream up to "manage" the wild horses. Let NATURE currently be in "control" of the Process; like it was prior to the creation of the PMWHR.

Therefore: All the predator species will be protected as well (i.e.: no active hunting of them), such that the ecosystems can achieve some kind of internal balance. ALL negatively impacting Governmental Activities, such as the current prescribed burns and the utilization of poisons on the PMWHR, will be STAYED/ HALTED as well.

Improvements on the PMWHR can occur; such as increasing water availability, removing unwanted fence line (no new ones, except the existing boundary fences), and expansion, ETC. HOWEVER: I WISH TO BE CONSULTED (i.e.: actively included "in-the-loop") PRIOR TO ANY AND ALL CHANGES ENACTED ON THE PMWHR. As a landowner, whatever the Government does, directly affects me.

This is an indefinite STAY. Once the Requested INVESTIGATION and the resulting information is completed and made public, this STAY can be reassessed & renegotiated such that a "Win/Win" solution is achieved."

- (2) **INVESTIGATION:** Pages 12-13 of Doc #1 (#61): "This REQUEST is of decades standing. This is not a new Request. I'm Requesting a DOI wide INVESTIGATION, concerning this ONGOING propensity of the DOI to utilize this (malfeasant) "THE ENDS JUSTIFIES THE MEANS" METHODOLOGY: Which I've previously called THE DONE DEAL DANCE. (AUTHORITARIAN/ CONTROL ISSUES, along with extensively LACK OF ACCOUNTABILITY ISSUES.) This INVESTIGATION needs to be an unbiased, reasonable, independent & through INVESTIGATION that will be conducted with INTEGRITY: Even if it takes years to complete. [The GAO is acceptable to me. This will not involve the Inspector General's Office (too much self-interest, previously observed, for any objectivity), nor any other investigative unit that reports back to the Executive Branch of the Government: As I've observed their "investigations" to be sophisticated cover-ups.)

I wish to receive a free, unredacted & complete copy of the final (informational) Results of the INVESTIGATION (FINDING-OF-FACT), as soon as it's completed.

This INVESTIGATION – (FINDING-OF-FACT) – will establish what the General Operating Procedures that (or have been) are utilized in the DOI, such that INTEGRITY prevails; and the "ENDS JUSTIFIES THE MEANS" METHODOLOGY is no longer utilized. This should help towards eradicating the currently imbedded malfeasance that is the current "Status Quo". INTEGRITY is a beautiful thing!

Also NOTE: The malfeasant/corrupt/criminal aspects will be thoroughly investigated, not just the Administrative side of the equation. ALL ASPECTS of the DOI METHODOLOGY will be checked out."

- (3) **RESTITUTION:** Also from the same Doc. #1. Pages 13-14: "PART ONE: The DOI should not be rewarded for malfeasant Governmental Actions just because the "ENDS JUSTIFIES THE MEANS" METHODOLOGY "works-for-them". All this was conducted and planned, knowing that extensive

malfeasance was involved. -- Since the DOI's long-term strategy (i.e.: mooting out valid public issues, -- or ignoring them completely, utilizing malfeasance, violating the Constitution of the United States as well as other laws, rules & regulations, covering-up all that malfeasance on a routine basis, lying routinely, etc. --) "has consistently been rewarded for malfeasant actions (in the case of the PMWHR): Appellants would like to reverse this positive conditioning for negative behavior patterns. We would like to apply a negative conditioning for negative behavior patterns." I requested \$440,000 (tax free) dollars to be placed into an account in my name -- (Jerri Tillett) -- such that it may be distributed to charities of my choice.

[Maybe, if the DOI begins to find this 'mooting process' (escalating) expensive, the DOI will be motivated to change its ingrained negative patterns and adopt some INTEGRITY instead. In the meantime, the DOI can begin to pay for its malfeasance." NOTE: If the Courts are unable to obtain this \$440,000 tax free; then double this amount (rewarded to me) such that the Government gets its tax cut and \$440,000 is left to charities."

PART TWO -- ADDED: "The Defendants are routinely ignoring me, my Court Cases, the evidence, etc. and have been for a long time (i.e.: Denial). As with Part One -- I feel that the DOI needs a negative incentive to promote a positive CHANGE in direction. [All these current positive reinforcements for negative behaviors are counterproductive: A basic premise and observation in psychological literature.] And since the Defendants are refusing to acknowledge the extensive damage that their routine malfeasant "THE ENDS JUSTIFIES THE MEANS" METHODOLOGY creates: I feel it necessary to "drive-this-point-home", such that they might finally begin to acknowledge and CHANGE their (malfeasant) behavior patterns. Basically a negative conditioning for their negative behavior patterns.

THEREFORE: I'm Requesting the Courts also recompense me for the past 25 years of endeavors: At the DOI Expense. That the Defendants pay me (personally) \$500,000 (1/2 million dollars -- Tax free -- as restitution for the Malicious Prosecution and all and sundry.

[NOTE: Joey & I had to hire, repeatedly, various lawyers to fend off the varied lawsuits that "The State" maliciously instituted. "The State" utilized taxpayer funds to do so, while we had to utilize our own funds; and a legal battle is always very expensive. It wasn't just a one-time deal, either: As it involved two different States (& Counties). [Sometimes simultaneously and including the different "attempts" to frame Joey; before they finally succeeded in framing him -- for a misdemeanor.]

Also involved is the **ONGOING** and long-term stress of a Malicious Prosecution (ONGOING for a decade), which affects every aspect of one's health: Such that health issues arise that involve hospitalizations, doctors, medications, and such. (Expensive.)

Then there are these Court Cases that I conduct that take a great deal of my time, attention, money, etc. Still expensive. Basically: You 'all get the idea.}

If the \$500,000 can't be granted Tax Free, then as with the previous (Part One) -- double the amount granted (such that the Government gets its share in taxes and I'm left with \$500,000 to me personally; this adds up to RESTITUTION in the amount of just fewer than one million dollars (Tax Free)."

PART THREE -- ADDED: Since the Defendants have refused to Cease & Desist these -- **UNNECESSARY**

(& illegal) -- Gathers; and are positively rewarded, by this Court and Others, for their **ONGOING**

malfeasance (i.e.: Negative Behavior Patterns). I shall increase the Requested RESTITUTION (i.e.: monies)

just like I warned that I would. (i.e.: Increase the RESTITUTION amount in each **UNNECESSARY** Gather Cycle).

The BLM removed **18** horses in the **UNNECESSARY** & illegal 2015 Gather Cycle: And castrated the males. (The PZP seems to be well on its way to sterilizing the females.) I'm adding a cost of \$20,000 for the illegal removal of each horse (increasing the cost of the illegal removals).

THEREFORE: This results in a total of \$360,000 RECOMPENSE that I'm asking for; the **18** that were illegally removed times \$20,000 = \$360,000. One-half of the \$360,000 will be added to the Charities-of-my-Choice (\$180,000): While the other half will be added to my personal RECOMPENSE (\$180,000). Therefore, the totals are: CHARITIES = \$620,000 (Tax Free) and ME = \$680,000 (Tax Free).

As with the other monies: If the Courts can't grant the money Tax Free Status – just double the amount, such that the Government gets its share and the \$360,000 is left to me.

[NOTE: As stated earlier; the RESTITUTION can be placed in abeyance until the Requested INVESTIGATION (by the GAO) – FINDING-OF-FACT (i.e.: Criminal & Administrative) – is completed. After the RESULTS are arrived at (and I have my free, ^{un}redacted Copy as soon as the REPORT is written – Basically **NO ACTIVE WITHHOLDING OF SAME**) this Topic of RESTITUTION can then be addressed.]

The Defendants have displayed (routine & **ONGOING**) **ARBITRARY & CAPRICIOUS** (and the abuse of discretion) behaviors. They routinely utilize malfeasance and felonious behaviors to further their goals: And to date this Court has encouraged, condoned, and protected that trend. The Defendants have lied to, deceived and perpetrated a **FRAUD** on this Court; and to date this Court has supported those behaviors.

Both the Defendants and this Court are currently participating in an (**ONGOING**) **EVASION OF REVIEW OF CONSTITUTIONAL ISSUES** (i.e.: Cover-Ups): As the Defendants routinely violate the **CONSTITUTION OF THE UNITED STATES**. To date, this Court is not holding the Defendants **ACCOUNTABLE** (i.e.: THE LACK OF ACCOUNTABILITY ISSUE) and is **NOT PROTECTING THE CONSTITUTION OF THE UNITED STATES**. This Court is currently actively protecting the Defendants: (i.e.: The malfeasant Status Quo).

Due to all the above, this Court needs to **GRANT** my reasonable **THREE REQUESTS**: And thereby
"achieving a just result".

This is respectfully submitted & REQUESTED this 16th day of February, 2016.

Jerri Tillett

Jerri Tillett
Box 331 – Lovell, WY 82431
[(406)-484-2673]

These quotes are taken from the Washington Post (Courts & Law) – Dec. 31st, 2015: "Chief Justice John G. Roberts Jr. on Thursday implored lawyers to work together and **judges to take a more hands-on role to improve a federal litigation system** that has grown "too expensive, time-consuming, and contentious." Roberts eschewed conflict in his annual 'Year-End Report on the Federal Judiciary.' *to show as a judge or authority*

yes justice!
The rules, five years in the making, are of limited interest outside the legal community. But Roberts said they provide an 'opportunity to help ensure that federal court litigation does not degenerate into wasteful clashes over matters that have little to do with **achieving a just result.**'

But he said lawyers must also adapt. ... "I cannot believe that many members of the bar went to law school because of a burning desire to spend their professional life wearing down opponents with creatively burdensome discovery requests or **evading legitimate requests through dilatory tactics.**" *delaying*

He compared the federal civil procedure amendments to an 1822 publication about dispute resolution: 'The Code of Honor; or Rules for the Government of Principals and Seconds in Dueling.' Roberts said that 22 page booklet stands as '**a stark reminder of government's responsibility to provide tribunals for the peaceful resolution of all manner of disputes.**' – (Bold is mine.)

CERTIFICATE OF SERVICE:

I hereby certify that on February 16th, 2016 a copy of the foregoing document DISPUTED FACTS were HAND DELIVERED to the following parties:

(1) Clerk of Court
JFB Courthouse
2601 Second Avenue North
Billings, MT 59101

HAND DELIVERED BY ME

(2) Ms. Victoria Francis
U.S. Attorney's Office
2601 Second Avenue North
Billings, MT 59101

HAND DELIVERED BY ME

Jerri Tillett

Jerri Tillett – [Box 331 – Lovell, WY 82431]
[(406)-484-2673]

HAND DELIVERED TO THE CLERK OF COURT (BY ME) AND TO MS. FRANCIS:

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

February 16th, 2016

PLAINTIFF: Jerri Tillett Cause Numbers: CV-15-48-BLG-SPW – (PZP)
vs CV-15-61-BLG-SPW – (Gather).
DEFENDANTS: Bureau of Land Management (BLM)
Interior Board of Land Appeals (IBLA)
Department of the Interior (DOI)

[COURT ORDERED REWRITE OF REPLY BRIEFS (REPLACING DOC. #31 – ORIGINAL LEGAL BRIEF):]

REPLY BRIEF:
JURISDICTION

Page 3 of The Main Legal Brief: *"Plaintiff does not allege any specific basis for jurisdiction. ... Both complaints assert the following as a jurisdictional basis for Plaintiff's Complaints. ... [ONGOING (SYSTEMIC) malfeasance that is routinely utilized by the Defendants (with impunity). This is the LACK OF ACCOUNTABILITY ISSUE.]"*

As to the ISSUE OF JURISDICTION: This Court has jurisdiction over all ISSUES OF MALFEASANCE AND CORRUPTION. I have clearly proven an **ONGOING** (& routine) Pattern of Malfeasance & Corruption in this Court Case alone (CV-15-48 & 61): Not to mention all my previous Court Cases, going back several decades. (Ignored and Covered-Up by all Parties: To date.)

(5th Amendment)
The CONSTITUTION's FIRST AMENDMENT clearly states this Right *"to PETITION the Government for a redress of grievances."* While the FIFTH AMENDMENT is the Federal Governments DUE PROCESS CLAUSE. [NOTE to this Court: An **EVASION OF REVIEW OF CONSTITUTION ISSUES**, by all Parties, is also more **VIOLATIONS OF THE FIFTH AMENDMENT (DUE PROCESS CLAUSE)**, in and of itself.]

The Defendants routinely **VIOLATE THE CONSTITUTION OF THE UNITED STATES** (documented): Both the FIRST (Right to PETITION) and the FIFTH (Due Process Clause). Since the Defendants seem to need a clearly defined *"Statute"* quoted: I hereby invoke the FIRST & FIFTH AMENDMENTS as my *"Statutes"*.

Judge Watters can view the suppressed Doc. #31 as to the specificity of the arguments, in pages 50-52; if she's even interested. It may help to clarify how the Defendants routinely deceive this Court.

Watters at Court
by BLM

CONSTITUTIONAL VIOLATIONS

GATHER TIMELINES: 6/16/2015 (2015 EA/ FONSI & DECISION RECORD) – 6/22/2015 (IBLA 2015-202 FILED) – 7/6/2015 (COMPLAINT: Doc. #1) – 7/20/2015 (illegal & **UNNECESSARY** Gather begins) – 7/24/2015 (T.R.O.: Doc #9) – 7/31/2015 (Ostby: Doc. #11) – 8/4/2015 (IBLA STAY DENIED & My IBLA REPLY) – 8/13/2015 (P.I. & T.R.O. Denied, as mooted: Doc. #17) – 8/24/2015 (Correction requested: Doc. #19) – 9/19/2015 (Gather over).

Basically: A valid STAY was in effect when the illegal & **UNNECESSARY** Gather started on 7/20/15 (Right to Petition – FIRST AMENDMENT); and my DUE PROCESS CLAUSE was violated when the IBLA (again) “jumped-the-gun” on 8/4/15 (FIFTH AMENDMENT.)

PZP TIMELINES: 2010 (PZP EA: The legal EA) – 1/27/2015 (IBLA 2011-93) – 2012 (one illegally darted mare) – 2013 (four illegally darted mares & #13-35139) – 2014 (one illegally darted mare & #14-35509) – Jan. 2015 (three illegally darted mares) – 3/4/2015 (IBLA 2015-116) – 3/18/2015 (2015 EA, FONSI & DR) – 3/30/2015 (IBLA 2015-133) – 4/15/2015 (IBLA 2015-116 Denied) – 4/21/2015 (IBLA 2015-141) – 5/13/2015 (IBLA 2015-133 STAY Denied) – 6/8/2015 (COMPLAINT: Doc. #1) – 6/29/2015 (P.I. Denied: Doc. #5).

(Again) The Defendants violated my FIRST AMENDMENT RIGHTS (unable to PETITION: “Not ripe for review”) when they illegally darted the nine mares (over a span of years & with multiple warnings of the illegality of it all – i.e.: NOT a “mistake” as the Defendants claim – It’s GENERAL POLICY). My FIFTH AMENDMENT RIGHTS (The DUE PROCESS CLAUSE) were violated when the Defendants failed to follow proper procedures (“The Law” & their OWN Rules & Regulations).

The Defendants, again, **VIOLATED THE CONSTITUTION OF THE UNITED STATES, and both the FIRST (RIGHT TO PETITION) and the FIFTH (DUE PROCESS CLAUSE) AMENDMENTS: ONGOING.** They are also utilizing an **EVASION OF REVIEW OF CONSTITUTIONAL ISSUES:** Basically a series of Cover-Ups to suppress these facts (**ONGOING**). This (**ONGOING**) Pattern was exposed in the Court suppressed Doc. #31, pages 27-35: Which I highly suggest Judge Watter’s to review.

- 2 -

ARBITRARY & CAPRICIOUS

(Page 5 of Judge Watters ORDER – CV-15-59-BLG-SPW): “The APA allows courts to set aside only those agency actions which are **‘arbitrary, capricious, and the abuse of discretion, or otherwise not in accordance with law.’** ... An agency’s decision is **arbitrary and capricious** if it fails to consider important aspects of the issue before it, if it supports the decision with explanations contrary to the evidence, or if its decision is either inherently implausible or contrary to governing law.” – (Bold is mine.)

Ms. Francis’s Main Brief states essentially the same thing (page 6): “In determining whether an agency’s decision violates the deferential ^{respectful defer to agency} **‘arbitrary or capricious’** standard set forth in the APA, “the court must consider whether the decision was based on a consideration of the relevant factors and whether there has been a **clear error in judgment.**” – (Bold is mine.)

Ad. in main brief
of agency action

Personally I think **PERJURY** is definitely in the category of a “**clear error in judgment**”, and constitutes **arbitrary and capricious**. As well as all the other malfeasance & corruption displayed and exposed in these two (combined) Court Cases: Withholding of evidence, ~~FRU~~AD, “cook’n-the-books”, tampering with evidence/ Data – after the fact, (routine) violations of the CONSTITUTION [including **EVASIONS OF REVIEW OF CONSTITUTIONAL ISSUES** (i.e.: Cover-Ups)], violating their OWN Rules & Regulations, (ONGOING) lying to this Court, etc. Finally, **MALFEASANCE & CORRUPTION IS ALWAYS ARBITRARY AND CAPRICIOUS**; just by definition.

U.S. need

Page 5 of the Main Legal Brief states: “The task of the reviewing court is to apply the appropriate APA standard of review, 5 U.S.S. & 706, to the agency decision **based on the record the agency presents to the reviewing court.**” – (Bold is mine.)

Well, I’ve taken that Administrative Record and proven (ONGOING) PERJURY, LYING, VIOLATIONS OF THEIR OWN RULES & REGULATIONS AS WELL AS THE CONSTITUTION (FIRST & FIFTH), EVASIONS OF REVIEW OF THE CONSTITUTIONAL ISSUES, among the many others. These are felonious Behavior Patterns that I’ve been tracking and presenting to All and Sundry for years (ONGOING). I think it’s ^{high} time this Court quits defending and protecting the (malfeasant) Status Quo and starts defending and ^{high} PROTECTING THE CONSTITUTION: It’s MANDATE.

U.S. need

For a greater understanding of the expose, I suggest Judge Watter’s view Doc. #31, pages 52-53.

– (1971) WFHBA & (2009) HMAP –

The Wild Free-Roaming Horse and Burro Act (WFHBA) states: “Congress finds and declares that wild free-roaming horses and burros are **living symbols** of historic and pioneer spirit of the West; that they contribute to the diversity of life forms within the Nation and **enrich the lives of the American people**; and that these horses and burros are **fast disappearing from the American scene**. It is the **POLICY OF CONGRESS** that wild free-roaming horses and burros **SHALL BE PROTECTED** from capture, branding,