

two decades, and ignored this important scientific FACT!) More lying & "cook'n-the-books" by the Defendants; in order to push their Agenda: Basically, to "zero out" the wild horses on the PMWHR ... in their **OWN SANCTUARY.]**"

Page 12 of the Main Legal Brief: "Plaintiff also asserts that the PMWHR is in good condition, primarily citing to an older IBLA ruling issued in 2001 (Dkt. 2, p. 7) with no scientific reference to current range conditions."

The IBLA RULING "As long as horse numbers are below 200, grazing impacts to the range are acceptable." was (and I thought still IS) BLM's **GENERAL POLICY**. It was **NOT** connected with the state of the PMWHR – which incidentally is just fine! It stood alone – as **GENERAL POLICY**. It is only **RIGHT NOW** that the Defendants are challenging their (unstated until now) **CHANGE IN GENERAL POLICY**.

All the expose can be viewed in Doc. #31, pages 54-57: Which I suggest Judge Watter's read.

MISTAKE

The Defendants insist that the **ONGOING** illegal darting of the mares (with total foreknowledge & warnings) was a simple mistake (i.e.: OOPS): When actually it was/is the **GENERAL POLICY**. [THEREBY stating that the **ONGOING VIOLATIONS OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA** is a simple mistake.] Basically: It isn't a simple mistake; or the Defendants would have corrected this malfeasant Pattern years before now. (Not just Covering-it-up – again – as a "mistake"; AFTER my expose). And I wish to point out to this Court (again) that the illegal darting^s (and which the Defendants admit to) constitute **ARBITRARY & CAPRICIOUS** behaviors, as well as (routine) **violations of the FIRST & FIFTH CONSTITUTIONAL AMENDMENTS (also arbitrary & capricious)**.

Illegal
P2P
dist. mgs

Again, I'd suggest that Judge Watter's view Doc. #31, pages 58-59 prior to her Judgment.

REASONABLE DOUBT CONCERNING THE DATA SETS

REASONABLE DOUBT exists as to the validity of the DATA SETS (admitted in the Administrative Record)

in support of the illegal & **UNNECESSARY** 2015 Gather. The DATA SETS were proved to be purely (BLM) subjective and unscientific (at best). This REASONABLE DOUBT is covered extensively in Doc. #31, pages 2-27. Please view there.

Admitted
Gather
2015

As Ms. Devlin so succinctly stated: "The data was falsified to confirm the predetermined decision to contracept and cull the herd. Thus the data was fraudulent as well as useless. ... Thus, Defendants perpetuated a fraud on this Court. Their monitoring data was falsified to invent a paper-trail to support a pre-determined outcome. That was another fraud against this Court. For these reasons, the Defendants

Devlin
Keston

should lose both cases, combined herein. There must be consequences for conning the Court, and for betraying the Court's trust."

CONCLUSIONS

This section is covered extensively in Judge Ostby's Court ORDERED stricken Doc #31, pages 60-64. As with the other topics covered, I'd strongly suggest Judge Watter's read the full conclusions in Doc #31.

***** FIRST:** All of the information provided to this Court needs to be included in the Courts deliberations. From my initial COMPLAINTS (Doc. #1 – CV-15-48 & 61) up to and including this Document. [Please keep in mind that I, the Plaintiff, am the original moving party to these (two) Court Cases.] However, the Defendants late (September) Brief needs to be excluded (Doc. #20 – CV-61), as it was invalidated by the Defendant's own admission. ("*This was wrong.*" and "*Local Rule 72.3(b).*" -- A Ruling by this Court is still possibly pending: As of 2/16/2015.)

***** SECOND:** Judge Ostby chronicles the **ONGOING** (& systemic) participation of the Judicial System with the active protection of the Defendants malfeasance. This can be reviewed in Doc #11 (Recommendations, CV-61); as well as the Court suppressed Doc. #31, pages 60-61.

***** THIRD:** [A long-standing Judicial Pattern (**ONGOING**): Observed & Documented.] This Court responded promptly (within four days) to the Defendants request (Doc. #32-33, & 35) that Doc. #31 be stricken from the record: And this Court Ruled against me (Doc. #36). But this same Court has ignored my similar strike request (Doc. #20, CV-48) for about five months now, even though I recently reminded this Court of that fact in Doc. #35 (CV-48): Ruling still possibly Pending.

In IBLA #2001-138 the BLM withheld evidence (about 90-95% of the Court Case, which was sent to the Judges, but not to me the "lawyer"): And submitted a late Brief, which I requested the Court to strike. No Ruling was ever forthcoming, even to date; fifteen years later. It has been totally ignored.

This same Pattern was extensively observed & documented during the decade of the Malicious Prosecution (in the 1990's). Our complaints were totally ignored (always) and the "Status Quo's"

requests were consistently followed up and acted upon (against us). [Extreme local corruption; documented.]

[Basically: This Court is holding me accountable, but not the malfeasant Defendants. And the Court-of-Public-Opinion will hold this Court accountable, eventually, in the long-term. I would suggest this Court RECTIFY its **ONGOING** Pattern and protect the CONSTITUTION OF THE UNITED STATES: Instead of the malfeasant Defendants.]

Decades of illegal livestock trespass

***** FOURTH:** The BLM's DATA SETS chronicles: Illegal livestock trespassing (decades). The Cold Northern Desert Ecosystem (little precipitation). [The PMWHR was not in a drought Cycle, and implying such is erroneous (at best).] Extensive malfeasance (by the Defendants) surrounding this DATA SET: (**ONGOING**) Lying, tampering with evidence (after the fact), manufactured data to support a foregone conclusion, FRAUD, etc. Please view in Doc. #31, in the Conclusion Section pages 61-62: As well as the DATA SETS themselves (pages 2-27).

***** FIFTH:** Varied Judicial Errors: Please view in Doc. #31, page 61 (listed under FOURTH).

Tillett's going pro se

***** SIXTH:** Judge Ostby states the following in her ORDER (Doc. #36): Pages 2-3 – *"In response, Tillett argues that she is unfamiliar with the Local Rules and asks she be given plenty of time to comply if the motion is granted. ... She requests that the Court let her brief stand, as is ... is at a total disadvantage in this Court because she is pro se; ... The rules are enacted to promote efficiency, order and **FAIRNESS TO ALL PARTIES IN PROCEEDING BEFORE THE COURT.**" – (Bald is mine.)*

NOTE TO Judge Watter's: *"The rules are enacted to ... **FAIRNESS TO ALL PARTIES IN PROCEEDING***

***BEFORE THE COURT.**"* Is *"FAIRNESS TO ALL PARTIES"* what this Court actually enacted?

-- (A) The Court ORDERED (Doc. #36) suppression of my arguments [Doc. #31; which support both Doc.'s #1, a formal COMPLAINT of routine malfeasant (including various felonious behaviors) by the Defendants] has various serious ramifications for this Court in the long-term.

-- (B) As the moving party; I'm not allowed to argue my COMPLAINT (Doc. #1 – CV-15-48 & 61) before this Court – the stricken Doc. #31: And only argue a REPLY BRIEF. – [This Court should have allowed me to rewrite my Legal Arguments to both Doc.'s #1 – utilizing the Local Rules – not just the REPLY BRIEF.]

- (C) I (with my very limited resources) [the original moving party (Doc's. #1 – CV-15-48 & 61)] somehow ended up in the Defendants (traditional) position with this Document – a REPLY BRIEF – and have just over **nine DAYS** (after the Post Office mail deliveries) in which to craft and file my arguments for the **WHOLE** Court Case(s) – CV-15-48 & 61 – due to the Court ORDERED suppression of Doc. #31. While the Defendants, with their vast resources, have had **MONTHS** in which to craft and file their arguments: including the **OPTIONAL** REPLY BRIEF. This will eventually reflect poorly on this Court.
- (D) This Court has responded to the Defendants “strike request (Doc.'s #32 -33 &35)” within **FOUR DAYS** & has yet to Rule on my similar request (Doc. #20: CV-15-61) about **FIVE MONTHS** later – Ruling possibly Pending.
- (E) I have proven extensive malfeasance & felonious behaviors on the part of the Defendants (the stricken Doc. #31) and (to date) this Court has protected the Defendants (i.e.: Status Quo): **EVASIONS OF REVIEW OF CONSTITUTIONAL ISSUES** (i.e.: Cover-Ups).

The question to this Court is: Does Judge Watter's consider all these ISSUES as “**AND FAIRNESS TO ALL PARTIES IN PROCEEDINGS BEFORE THE COURT**” and “**ACHIEVING A JUST RESULT**”?

[As Devlin succinctly states: “*The data was falsified to confirm the predetermined decision to contracept and cull the herd. Thus the data was fraudulent as well as useless. ... That was another fraud against this Court. For these reasons, the Defendants should lose both cases, combined herein. There must be consequences for conning the Court, and for betraying the Court's trust.*” – And Chief Justice Roberts (recently) so aptly stated: “*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.*”]

*** **SEVENTH:** Anne Novack has a PETITION on her website, in OPPOSITION to Gathers and PZP. To date it has over 20,800 signatures (as of 2/16/2016). The Court can go to her website to view the Petition:

<http://protectmustangs.org/?tag+petition> This takes you to the Call to Action Page. The next link is: <https://www.change.org/p/defund-and-stop-the-wild-horse-and-burro-roundups> And the Court can view what else is mentioned in Doc. #31.

*** **EIGHTH: (KUDO'S TO JUDGE WATTERS: CV-14-73.)** As stated in the Court ORDERED suppressed Doc. #31: “*The Clark's Nutcracker (Nucifraga Columbiana), occurs in western North America from British Columbia and western Alberta in the north to Baja California and western New Mexico in the south.*”

Court discrimination against Plaintiff

In violation of CRP

Judge Watter's: "The Court concludes that more is required under NEPA in order for the BLM to conclude that no significant impacts on the sensitive species in the area will result from the prescribed burns contemplated in the 2014 EA. BLM's motion for summary judgment on this issue is denied."

Clark's
Nutcracker
Whitebark
pine
Suillus
sibiricus

Recent scientific articles: "Ornithologists believe the Clark's Nutcracker has declined greatly in the past three decades, and that their survival depends on whitebark pine, as well as a broad mosaic of forests. ... The tree exists through obligate mutualism with Clark's Nutcrackers: Whitebark pine can't survive without the birds ... Whitebark pine is a candidate for the endangered species list and will likely eventually be listed ... **It also in an important reminder about the importance of protecting a habitat mosaic, not just a single species, Schaming said. EVERYTHING IS CONNECTED.** ... "And yet they do all this absolutely essential stuff." Indeed, this particular fungus, *Suillus sibiricus*, may help save the whitebark pine – with a little help from Cripps. Fungal partnerships made the West: Gaze upon a stand of lodgepole pine, a sagebrush steppe, or windblown tallgrass, and you're seeing the fruits of microscopic mutualism. ... The soil, she saw, teemed with *S. sibiricus*, whose ^{yellow}yellow-colored mushrooms are called slippery jack. Whitebark and slippery jack grew in close companionship. ... "We'd expect this to work best where there might not be any *Suillus* left, like **intensely burned areas**," ... Where goes the pine, so goes the *Suillus*," she murmurs." – (Bold is mine.)

Clark's Nutcracker
Whitebark
pine
Suillus
sibiricus
slippery jack
fungus
in soil

Therefore Judge Watter's intuition and JUDGMENT was correct in that she PROTECTED a lot of Species and their HABITAT(S)/ ECOSYSTEM(S). **THIS IS GOOD (AS PROTECTING LIFE IS GOOD)!**

Judge Watters didn't give me what I requested, however the BLM wasn't given "free rein" either. The "Limbo" I requested was granted for a short while; so that the Defendants can regroup and try again.

Basically: Whole ECOSYSTEMS were PROTECTED and ALL SPECIES benefited. Now do the same and PROTECT THE CONSTITUTION OF THE UNITED STATES OF AMERICA (from encroachment by the

Defendants). They are NOT "above-the-Law"; which they seem to think they are: THE LACK OF ACCOUNTABILITY & EVASION(S) OF REVIEW OF CONSTITUTIONAL ISSUES (i.e.: ONGOING COVER-UPS.)

Doc #31
Watters judgement

Please view this in the Conclusion Section of the stricken Doc. #31, pages 63-34. KUDO'S TO JUDGE WATTERS JUDGEMENT (CV-14-73)!

REQUESTS

The three REQUESTS are the same ones that I REQUESTED in the DISPUTED FACTS BRIEF (and this whole Court Case; Doc.'s #1 – CV-15-48 & 61); as well as prior Legal Cases. Please review in the DISPUTED FACTS BRIEF. The three REQUESTS are the following:

- (1) **STAY/ HALT**: Please see the DISPUTED FACTS BRIEF.
- (2) **INVESTIGATION – FINDING-OF-FACT** (both Criminal & Administrative): Please see the DISPUTED FACTS BRIEF.

(3) RESTITUTION: [Placed (temporarily) in abeyance.] Please see the DISPUTED FACTS BRIEF.

The Defendants have displayed **ARBITRARY & CAPRICIOUS** behaviors (**ONGOING**). They have lied to, deceived and perpetrated a **FRAUD** on this Court. Both the Defendants and this Court are currently participating in an **ONGOING EVASION(S) OF REVIEW OF CONSTITUTIONAL ISSUES** (i.e.: Cover-Up's). This Court needs to **PROTECT THE CONSTITUTION OF THE UNITED STATES** and not the malfeasant Defendants (i.e.: The current Status Quo).

THEREFORE: This Court needs to **GRANT THE THREE REQUESTS**. (And thereby RECTIFY this current debacle in order to "*achieving a just result.*")

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



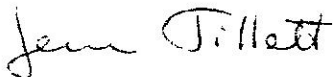
Jerri Tillett
P.O. Box 331
Lovell, WY 82431
(406) 484-2673

CERTIFICATE OF SERVICE

I hereby certify that on February 16th, 2016 a copy of the foregoing document REPLY BRIEF 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
Box 331
Lovell, WY 82431
(406) 484-2673

CERTIFIED RETURN RECEIPT: 7011 0470 0001 5596 6855

February 5th, 2016

Burns District Office
28910 Highway 20 West
Hines, OR 97738

MY COMMENTS ON THE 2016 MARE STERILIZATION RESEARCH (EA):

I ran into Ginger Kathryns (The Cloud Foundation) on the road today (PMWHR) and she mentioned that your COMMENT PERIOD had been extended until next Wednesday (2/10/2016). Since I've been quietly watching "you guys" - I felt impelled to add my comments to the fray.

Let me briefly introduce myself: I'm an Environmental, Constitutional, and Civil Rights Activist. I've been tracking Governmental malfeasance (i.e.: Corruption) for the past twenty-five years and taking "you" to Court. I've usually confined myself to the Pryor Mountain Wild Horse Range (PMWHR); which my family created. But I find what you're doing so HORRIFIC (i.e.: Dr. Mengle's - of Nazi Germany - and his horrific shit) that I just might make an exception in this case. Who knows?

25 yrs of action

The current two Court Cases in Federal Court (CV-15-48-BLG-SPW & CV-15-61-BLG-SPW) are still **ONGOING**. The BLM ("you guys")/ IBLA/ DOI are the Defendants. The Court Cases are in the Billings Federal Court. You might want to give your colleagues a call (Billings Office). This isn't a threat (I don't threaten or bluff): Just giving you a "warning-shot-across-the-bow" sort of thing. You might want to rethink the ethics of the proposal. Basically, right now I'm just monitoring the situation out there, like a lot of other folk.

Like I said: This isn't my first rodeo. My understanding of the current situation is thusly (and no, I don't currently have a copy of your EA):

***** "You" (BLM) have over three million dollars and have partnered up with some Universities who need research "lab rats"; who are vulnerable, expendable, low on humanity's priority scale, & cheap; as in free. [In this case pregnant mares.]

***** You are justifying this HORRIFIC DEED as just another routine Research Project (i.e.: Better Press)... Basically the money has already been spent (or will be shortly).

***** All of this "research sterilization" will be conducted in the corrals (probably dirt, etc. - unsterile conditions - but then the "Lab Rats" are ONLY horses (i.e.: expendable, and there's a lot more where they came from) --- and a lot of money involved. I understand its 11 million \$ (to date).

11 million

***** I realize you aren't the least bit interested in my input; and my COMMENTS won't change your Agenda one whit. Like I said: This isn't my first rodeo.

All that stated: Please rethink your position on this (you won't). And I want to go on record as stating the following: **I AM ADAMANTLY OPPOSED TO YOUR CURRENT "RESEARCH PROJECT" (i.e.: AGENDA). I FIND IT TO BE HORRIFIC BEYOND BELIEF!** (And we call ourselves a civilized Nation. Hummmmmph!)

I just thought it only fair to let you know; I'm quietly watching you and you're now "on-my-radar": Not that you will give a shit.

Sincerely Yours;

Jerri Tillett

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

March 2016: I didn't include this w/ Ms. Jerals (FOIA) package: As I didn't know if this was some-thing she was interested in.

JT

(23)

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ATTORNEY FOR DEFENDANTS
UNITED STATES OF AMERICA

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

JERRI TILLET, _____

Plaintiff,

vs.

BUREAU OF LAND MANAGEMENT,
INTERIOR BOARD OF LAND
APPEALS, and DEPARTMENT OF
THE INTERIOR,

Defendants. _____

CV 15-48-BLG-SPW-CSO and
CV 15-61-BLG-SPW-CSO

RESPONSE TO PLAINTIFF'S
OBJECTION TO FINDINGS
AND RECOMMENDATIONS OF
U.S. MAGISTRATE JUDGE

On August 10, 2015, Plaintiff in the above captioned proceeding filed an
Objection to Findings and Recommendations of U.S. Magistrate Judge. (CV
15-61, Dkt. 15). Also on that same date in *Tillett v. Bureau of Land Management et
al.*, CV 15-48-BLG-SPW-CSO, the Magistrate issued an Order to Show Cause, Dkt.
9, requiring the parties to appear in writing and show cause why CV 15-48 should