

REGARDING

Case No. 3:23-cv-1320-SI filed September 11, 2023 *Meyer v. FBI* (Compl.)

Application to appeal *In Forma Pauperis*

ISSUES

1. Judge Simon should have recused himself from this case under Rule 2.11 of the ABA's Model Code of Judicial Conduct, and under Canon 3 C (1)(a),(b), and (d)(iii) of the Code of Conduct for United States Judges
2. Judge Simon's ruling contains errors
3. Judge Simon incorrectly dismissed the case *sua sponte* as frivolous
4. The case is neither frivolous nor unwinnable. I ask the court to allow me to appeal this dismissal, proceeding *In Forma Pauperis*

BACKGROUND

On September 16, 2022, I filed a FTCA notice and SF95 to the Civil Department Torts Claims office at the Department of Justice. The administrative claim detailed torts involving unlawful surveillance, intellectual property theft, and the ongoing use of wirelessly accessed biomedical implants and directed energy weapons creating harm and physical damage to myself and others. I was able to connect this activity to the FBI (Compl. p. 8-16), or at the very least, I was able to discern that the FBI, who are *mandated* to investigate federal law violations under 28 CFR 0.85(a) (Compl. p. 2 ¶ 4), was covering up the use of, and harms from this technology, behavior, and associated

financial transactions. Because I would have to wait for up to six months after filing my administrative claim before I could file suit, and because the continued use of wireless biomedical weapons was (and is) not only jeopardizing my health, but also putting any actions I want to bring in court at risk, as these weapons threaten not just me, but any potential witnesses, attorneys, and even judges – I thought that the best course of action would be to seek immediate relief via a temporary restraining order and/or injunction. The idea was to try to stop the attacks long enough that I could safely work on my court case.

I never intended, before filing the current complaint, to initiate a lawsuit in federal court, and prior to Judge Simon's September 19, 2023 dismissal citing issue and claim preclusion, I did not believe that I had done so. The injunctive relief that I requested in late 2022 was only intended as a stopgap to keep me safe during period of time that my FTCA claim was pending and I was preparing my case, with the hopes that such injunctive relief would also protect potential attorneys (as well as attorney client privilege and other confidentiality issues related to preparing a court case), witnesses, and judges. Prior to requesting this injunctive relief, I had never before been a party in any type of matter in court, other than some minor family law issues in the late 1990s and early 2000s.

What I was seeking from the Oregon District Court in November 2022 was a restraining order of the type similar to that seen in family court, where you ask the court to order your attacker to stop harming you. I do not believe that an active lawsuit is required for this type of restraining order. I did not realize that federal courts may be

different, and I did not understand that my request for injunctive relief had been construed as a lawsuit. Prior to filing with the court, I had sought, but had been unable to find, legal assistance.

At the time I requested injunctive relief from federal court, I also did not understand the difference between a motion or a complaint. The first set of paperwork filed with the federal court, on November 14, 2022, is nothing but an injunction request and affidavit. On page 4 of the *pro se* form filed November 14, under III B. I wrote “These are ongoing events which are the subject of pending litigation.” In other words, I was seeking temporary relief with the idea of litigating at a later date.

Later, having studied the process more, I realized that if I wanted immediate relief, I could ask for a temporary restraining order (TRO) prior to an injunction hearing. Because I was suffering a great deal, this is what I tried to do. This was the basis for me filing the document titled “Plaintiff’s Motion To Amend Complaint For Injunction To Include Temporary Restraining Order.” At this point, trying to learn legal terminology, I was referring to my initial injunction request as a “Complaint For Injunction.” This is because, knowing that my FTCA administrative claim was still in progress, and wanting immediate relief from biomedical torture and other associated risks to my health, being as all of this had intensified after I had filed my FTCA administrative claim with the DOJ, I never intended to ask for anything other than injunctive relief.

When Judge Michael Simon wrote his initial Order on November 29, 2022 and throughout the course of that action until its termination on January 6, 2023 we were both talking about two fundamentally different things – I only wanted injunctive relief, while

he was treating my request as a full-fledged civil action. In fact, I knew that I couldn't initiate a civil action against the FBI before the DOJ's final refusal of my FTCA request, or March 16, 2023, and I believed he also knew this.

Judge Simon's position was that my allegations were fantastical and frivolous, giving me leave to amend what I believed was nothing more than a TRO request. In the document titled "Amended Motion For A Temporary Restraining Order" filed December 30, 2022, I tried to address each specific argument, providing background to show that in fact I was alleging something that was scientifically plausible with regards to known long-existing technology and with regards to the FBI's known history of covert politically-motivated actions against US citizens. I also wrote "...on September 16, 2022 this Plaintiff initiated the Federal Torts Claims Act (FTCA) process by filing an administrative claim with the Department of Justice Civil Division Torts Branch via Standard Form 95. The Plaintiff understands that, assuming no response comes from the Department of Justice, after March 16, 2023, she will have the option to file a tort claim against the FBI. Meanwhile, she continues to suffer daily physical assault, and regular incidents of evidence destruction." (Amended Motion p. 4)

Judge Simon's final order, filed January 6, 2023, concluded that I had made "inferential leaps" with regards to FBI actions that "do not meet the plausibility standard." (p. 2) I did not understand that in his order, by writing that "the Court construes this filing, along with Plaintiff's original complaint, as Plaintiff's Amended Complaint" despite what I had written about my administrative claim being in progress,

Simon was continuing to frame my TRO request as an attempt to file a full-fledged lawsuit against the FBI.

There were other problems -- Judge Simon misstated parts of the arguments I was making, something I did not know how, or whether to address at the time. But I had read that it is difficult to get *ex parte* relief, and I knew that a TRO even if granted, would at best offer limited relief, so I felt that my best course of action would be to focus on other court actions, including developing the case I was ultimately trying to bring under the FTCA, even though as I prepared that case, I would have to endure ongoing surveillance and biomedical assault and torture.

When I did finally file that case, on 9/11/2023, I filed *In Forma Pauperis* (IFP), and Magistrate Judge Stacie F. Beckerman was assigned. Because I would not be able to serve the FBI until the judge had approved the IFP status, and because I was nearing the end of the period of time in which I would be permitted to bring the action, and because I wanted to avoid having the case dismissed *sua sponte* as the TRO request had been, through borrowing money and selling and pawning the last of my deceased husband's musical equipment I was able to scrape together the \$402 filing fee that would allow me to bypass the enhanced gatekeeping of the IFP status, serve the complaint and summons to the FBI, and move this very important case forward. So that is what I did. Meanwhile, the court had changed the assigned judge back to Judge Simon, the same judge who had dismissed my TRO request. At this time I was still trying to garner interest from attorneys who might take the case on contingency, especially since there was a window of time (I

thought) to amend the complaint. However, on September 19, 2023, Judge Simon dismissed the case *sua sponte*, with prejudice, declaring that it was “frivolous.”

JUDICIAL BIAS

The problems are as follows:

1. For a number of reasons, Judge Simon should have recused himself under Rule 2.11 of the ABA's Model Code of Judicial Conduct (Disqualification), specifically
 1. (A)(1) – Judge Simon has personal knowledge of facts that are in dispute
 2. (A)(2) – Judge Simon’s wife, Representative Suzanne Bonamici, has more than a *de minimis* interest that could be substantially affected by the proceeding
- and under Canon 3 C (Disqualification), specifically
 3. 3C(1)(a) the judge has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding
 4. 3C(1)(b) the judge served as a lawyer in the matter in controversy, or a lawyer with whom the judge previously practiced law served during such association as a lawyer concerning the matter, or the judge or lawyer has been a material witness
 5. 3 C (d)(iii) the judge or the judge’s spouse, or a person related to either within the third degree of relationship, or the spouse of such a person is

known by the judge to have an interest that could be substantially affected
by the outcome of the proceeding

2. Judge Simon's orders show actual bias
3. Most troubling of all, Judge Simon's background ensures that he is in fact in a position to know that my case is valid, my arguments sound, and I am telling the truth. In other words, Judge Simon has not only pretended not to have prior awareness of who I am (something that under the circumstances simply is not possible), and what this case is about, but in these proceedings he has taken a knowingly false position: that my allegations about biomedical implants are “fantastical” and “implausible” – and that the FBI has nothing to do with biomedical implants of the type that I am describing. It is for this very reason – that this kind of deception happens, and happens often – that this racketeering enterprise is so successful, so deadly, and such a threat to the rule of law.

CONFLICTS OF INTEREST GENERALLY

Based on his personal and professional background, Judge Simon should have recused himself from every action I initiated in federal court. I am aware that the surveillance I have experienced is such that every judge on the bench may have conflict of interest issues, though Judge Simon, by his background, likely has more than most. I have struggled internally with how to approach conflict of interest issues, opting at first to operate from the expectation that judges, generally speaking, would attempt to be impartial. I do think that is possible, though I am concerned that any judge in any case involving me as a litigant may feel some pressure to compromise ethics.

Alternatively, every judge who has a conflict of interest could – and probably should – recuse him or herself. That alone could be a form of evidence in support of my allegation that data obtained through surveillance has been disseminated. The problem with such an expectation is the same problem that occurs every time corruption is permitted to infiltrate a system – only those with a high degree of integrity will identify the conflicts of interest and decline involvement based on this. There is always someone who is willing to compromise ethics, especially if the cost is low, and the rewards high. This is the problem with litigating my complaints, and it is a problem not just in the courts, but throughout a number of systems. Nonetheless, I should be able to bring my issues into court, where there are established processes for introducing evidence, deposing witnesses, and getting to the truth of a matter.

CONFLICTS SPECIFIC TO JUDGE SIMON

1. Judge Simon was previously employed by the Department of Justice
2. Judge Simon's wife Suzanne Bonamici is a US representative
3. Judge Simon's father was television writer Danny Simon and his uncle is playwright Neil Simon – the latter of whom has written screenplays which, using coded language, reference the same racketeering enterprise described in the complaint, including their use of biomedical implants for the purpose of behavior control in human subjects
4. Judge Simon was appointed by President Barack Obama. While President Obama is not a named defendant in this lawsuit, there are reasons to trace certain actions to him, or to his administration, including the January 2014

abduction event, tooth fracture, and a frequency-emitting dental crown that was used as a target for wireless weapons

5. Judge Simon is a graduate of Harvard University. While all universities are likely incorporated into this enterprise, some are worse than others. Generally speaking, ivy league and research-oriented universities are more deeply involved, with some ivy league colleges being worse than others. Of these, Harvard – the alma mater of both President Obama and Judge Simon – stands at the top.

Judge Simon has been materially concealing and misrepresenting his own pre-existing knowledge about my situation and about the described enterprise, in order to protect his former employer, the Department of Justice, and in order to protect his wife's political interests, and also in order to protect the interests of President Obama – by keeping this case out of court.

DETAILS

1. Judge Simon was previously employed by the Department of Justice

According to a July 14, 2010 White House press release referenced on Wikipedia, “from 1981 until 1986, Simon served as a trial attorney at the United States Department of Justice Antitrust Division, in Washington, D.C., where he handled both civil and criminal antitrust matters. During his time with the DOJ, Simon also served in 1985 as a special assistant United States attorney for the Eastern District of Virginia.” In other words, Simon worked as an attorney for the US Department of Justice, the agency which

oversees the FBI, the defendant in this lawsuit. In addition, one of my claims against the FBI is an anti-trust claim.

2. Judge Simon’s wife Suzanne Bonamici is a US representative

In my complaint I explained, briefly, that the described racketeering enterprise has infiltrated not just one, or a few agencies, but *all three branches* of the federal government (Compl. p. 36-37 ¶ 114). Representative Bonamici needs to interact and negotiate with colleagues in the House and Senate, and all legislators need to finance campaigns for re-election. The described enterprise is very financially enabled and manipulative and therefore, between the political power and financial power associated with the enterprise, Representative Bonamici would have “more than a *de minimis* interest that could be substantially affected by the proceeding.” Model Code Rule 2.11 (2)(c)

These two conflicts should be enough to merit recusal. Points 3-5 are additional complications.

ERRORS

Judge Simon, referring to my earlier *ex parte* request for a TRO as “*Meyer I*” bases this dismissal on three factors: claim preclusion, issue preclusion, and merits.

1. CLAIM PRECLUSION

Judge Simon says that claim preclusion applies because the issues raised in the 2023 FTCA/RICO complaint “could have been” raised in the 2022 TRO request. This is

not correct, because my intent with the TRO was solely to stop imminent, continuing, and irreparable damage from biomedical weapons in order to safely bring my FTCA lawsuit, and also to protect potential attorneys, judges, and witnesses. The FTCA/RICO civil case could not have been brought before the final rejection of the administrative claim on March 16, 2023.

I filed the 2022 TRO request – and the 2023 complaint – under extreme conditions created by constant biomedical battery, as well as while dealing with regular instances of evidence tampering. By “evidence” I usually mean documents, photographs, medical records, audio recordings and video recordings collected over the years, though it is true that there has been more elaborate types of tampering going on as well, including described changes made to an extracted dental crown. Evidence tampering and other destruction of property involves regular unlawful entries into my apartment, including entries that occur when I am asleep in bed, which is something that can *only* occur through the monitoring and use of these biomedical systems. (Research in electronic control of sleep goes back nearly 100 years to the work of Walter Rudolf Hess.) I have documented many of these unlawful break ins, and I have reported some of them to the FBI.

2. ISSUE PRECLUSION

Judge Simon writes that “the underlying issues about whether the FBI engaged in widespread surveillance and biomedical implants previously were decided by this court in *Meyer I*.” Again, I never intended to bring “*Meyer I*” as anything more than request for injunctive relief while waiting for the government to respond to my FTCA claim

(Amended Motion p 4). I knew that I could not bring suit before March 16, 2023. (*Id.*) In addition, like many people Judge Simon had pre-knowledge about issues in my suit, including the use of biomedical weapons systems, and rather than misconstruing my intent in requesting relief, should have recused himself from both the injunction request and the FTCA claim.

3. MERITS OF COMPLAINT

Judge Simon states that the claim is “frivolous and fails to state a claim under Rule 12(b)(6) of the Federal Rules of Civil Procedure. Further, the Court may *sua sponte* dismiss Plaintiff’s claim, without notice, because Plaintiff “cannot possibly win relief.” The idea of dismissing a claim because the plaintiff “cannot possibly win relief” comes from *Wong v. Bell*, 642 F.2d 359 (9th Cir. 1981) in a situation where the plaintiff was seeking relief as a “child” under a statute where “child” is explicitly defined as someone under 21 years of age, and the plaintiff was over 21 years of age.

RICO

With regards to my racketeering claims, I alleged twelve predicate offenses. These are offense for which I can show evidence, and for which I believe I can gather more evidence during the course of discovery. While some of the predicate claims may be sounder than others, it's also true that there may be (and probably are) other eligible predicate offenses I've not yet detected. All that are needed are two related predicate offenses within the applicable statute of limitations for civil RICO to apply.

Approximately eight consecutive pages of the 2023 complaint are dedicated to giving factual information and logical inferences with regards to FBI involvement in a criminal (or in this matter, civil) conspiracy (Compl. pp. 8-16) all of which Judge Simon dismisses as implausible (Order p. 8). The same sentence also essentially miscategorizes my claim as “FBI has engaged in a conspiracy with fire departments and medical personnel to commit the alleged predicate criminal acts that are ongoing.” In fact, in the complaint, I explicitly described “a criminal enterprise (“the enterprise”) which is intertwined with the FBI.” (Compl. p. 4 ¶ 13) I did not describe the conspiracy as “a conspiracy with fire departments and medical personnel” because to do so would not have accurately described the enterprise, or its reach. In fact, I did not attempt, in the complaint, to describe the full reach of the enterprise, in part because I don't know how far it reaches, I only know that it has affected all three branches of the federal government (Compl. p. 37 ¶ 114), that it is international, that it is associated with high finance, and that it is widely referenced via an internationally understood coded language both in everyday speech, and woven through all forms of media. More can be said about it later. Obviously, an enterprise of this size and reach is widely known to exist.

The problem is not that I am describing something that is implausible. The problem is concealment generally, and specifically the fact that Judge Simon is concealing what he already knows about this enterprise's existence, behavior, and function.

Judge Simon dismisses my constitutional claims by focusing in one single example of evidence tampering – the example I described in my complaint as “one of the

most striking incidents.” In fact, that incident was only one in a long line of documented incidents of unlawful entries, evidence tampering, and destruction of personal property.

I spent comparatively little time articulating details about my fourth amendment claim in part because I am aware that the fact that there has been unlawful surveillance and distribution of surveillance and other goods stolen from my home and from personal electronics is so widely known, it should reasonably be a topic for judicial notice. There is no chance that Judge Simon doesn't know that my fourth amendment rights have been, and continue to be, violated.

Judge Simon does not mention my claims around the establishment clause, free speech clause, freedom of association clause, or freedom of the press clause of the first amendment. As with the fourth amendment issues, there is no way that Judge Simon doesn't have enough prior knowledge to understand that each and every one of these claims is valid. Judge Simon also does not explicitly reference my thirteenth amendment claim, except maybe tangentially via his citation of *Ayres v. Obama* (2013).

Ayres v. Obama, a case with multiple unclear plaintiffs, multiple unclear defendants, and many unclear claims, has been used, repeatedly, by Judge Simon as a measuring stick in order to call my assertions frivolous. In reality despite some facial similarity between the two cases, my case is nothing like *Ayres*, or the other case which he cites, *Bivolarevic v US CIA* (2010). The distinctions between the cases is important and is something that I can elaborate on at a later time. Generally speaking, in contrast to

those two cases, I have provided fact-based cognizable arguments, and I have admissible evidence to support the claims I am making.

There is an associated issue of concealment by the federal government. In other words, it is entirely possible that some of the claims made by Ayres and Bivolarevic were factual, but that they were made in such a vague and unsupported manner that they seemed to be easy to dismiss, and through their dismissals, to create case law allowing all facially similar claims to be easily dismissed, regardless of merit.

It is disingenuous for a federal agency such as (in the case of Bivolarevic) the CIA, to say that the kinds of technology I have detected and documented in my body via written records, photographs, x-rays, audio recordings, video recordings, and wireless frequency tracing is “sufficiently fantastic to defy reality as we know it.” In fact, this technology is widely known to exist. It is widely concealed, yet widely referenced amongst the “in-crowd” via the use of coded language. The ability to create physiological and emotional reactions in unanesthetized animals via electrical impulses to the brain goes back to the 1920s and the work of Swiss researcher Walter Rudolf Hess. Citing a biography published in *Schweizer Archiv für Neurologie und Psychiatrie*, Hess’ Wikipedia page describes this research:

“Using electrodes, Hess stimulated the brain at well-defined anatomical regions... by stimulating the hypothalamus, he could induce behaviors from excitement to apathy, depending on the region of stimulation... he could induce fall of blood pressure, slowing of respiration, and responses such as hunger thirst, micturition (urination) and defecation. Stimulation of the posterior part led to extreme

excitement and defense-like behavior... Hess also found that he could induce sleep in cats...”

For his work, Hess won the Swiss Marcel Benoist prize in 1931 and the Nobel Prize in Physiology and Medicine in 1949. His Nobel lecture was titled “The Central Control of the Activity of Internal Organs.” In this lecture Hess explained that he could control organ function, sleep/wake cycles, and behavior via electrical impulses sent to the brains of cats and dogs. <https://www.nobelprize.org/prizes/medicine/1949/hess/lecture/>

Hess’ research was taken further by other scientists in ensuing years, one of the more well-known being Spanish-born José Delgado, a neurophysiologist associated with Yale University. Delgado used wireless frequencies to influence and control behavior of both animal and human subjects through the 1950s and 1960s. This coincided with the MKULTRA era of CIA-led mind control research, much of which was being conducted through various universities, including Harvard, Columbia, Stanford, Columbia, Cornell, MIT, McGill, and others. (Harvard Crimson, September 28 1977: <https://www.thecrimson.com/article/1977/9/28/cia-papers-link-harvard-to-mind-control/>, CIA FIOA MKULTRA documents “Institutional Notifications” – listed as DOC_0000020476 attached)

In the 1960s Delgado performed demonstrations in which using wirelessly accessible electrodes implanted into a bull, and a handheld controller, he was able to stand before a charging bull, adjust the controls in order to send electrical signals wirelessly and directly to the bull's brain, instantly stopping the bull, mid-charge.

In 1969 Delgado published *Physical Control of the Mind*, a book detailing some of his research, including research on human subjects. Delgado was able to control human behavior with radio frequency impulses sent to electrodes which he called “stimuceivers.” *Physical Control of the Mind* contains an 18 page bibliography with research going back to the 1880s, though most of the bibliography covers work published in the 1950s and 1960s.

I was born in 1968 while my father, a biologist, was completing his PhD at Stanford University. In the 1960s at Stanford, studies involving controlling animal behavior via electrical signals were being conducted by researchers such as Anthony Deutsch and Charles Gallistel. There is a great deal more to be said about Stanford, including concurrent or subsequent disinformation activities (“paranormal studies” “remote viewing”) via Stanford Research Institute led by Russel Targ, whose real area of expertise was in lasers. https://en.wikipedia.org/wiki/Russell_Targ

The point is, it is disingenuous, especially for the CIA, to make the claim the allegations of Bivolarevic are fantastical. They were not. I have detected wireless frequencies coming from both of my ears using a frequency tracer – a simple piece of scientific equipment accessible to the police and FBI who could easily do these same tests. But you can't find what you refuse to seek. That said, as previously noted, the FBI has a mandatory duty to investigate federal crimes.

The issue with disinformation, especially deliberately created and disseminated disinformation, is that it mixes in bits of truth with lies. Often, disinformation mixes fantastical-seeming truth with more mundane lies. It is worth noting that I have seen

evidence of some individuals – including one individual who has some association with Oxford University – deliberately bringing unwinnable cases to court in common law countries such as the UK and US – likely on demand of the enterprise, with the intent of polluting case law.

This Oxford-linked individual, Hungarian-born Katherine Horton, ultimately immigrated to the US and married a retired intelligence officer, widely recognized as a whistleblower, William Binney. Horton, falsely representing herself as a particle physicist, had brought directed energy weapons related cases to court in the UK, citing a number of disinformation agents as scientific sources. What would be her motivation to do this, except to create bad case law? And why would one want to create bad case law except to protect the enterprise from facially similar cases of substance? Despite this, Katherine Horton has shown compelling evidence that she too is implanted with biomedical transceivers and in fact it was she who gave me the idea to use a radio frequency tracer to pick up signals from these. This should give a hint as to how complex it can be to tease good information from bad, and how important it is not to throw the baby out with the bathwater. Maybe some people *are* essentially enslaved by this technology, and if that is the case, don't we have not just the right, but the responsibility to discover this, and address it through the appropriate legal process?

The case is not frivolous. It is the opposite of frivolous. Everything is there to be scientifically researched and evaluated, save for the chilling effect of the enterprise itself.