

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA
(Fictitious Plaintiff)

VS.

CASE # 10-00320-16-CR-W-DGK

Frank M. Alvarez
(Real Party in Interest)

Motion To Dismiss For Fraud Upon The Court

Comes now, Frank M. Alvarez, the flesh and blood, living soul of majority age and sound mind, competent to state the matters set forth herein do affirm that the foregoing is true, correct and complete not misleading with 1st hand knowledge of the facts here with Title 28 U.S.C. 1746 (1) "with out the United States" under penalty of perjury, sworn to within the United States of America.

Defendant in error would like to report fraud within this case and based upon this fraud this case should be dismissed with prejudice immediately.

Defendant in error has within his hands copies of his legal docket sheet where there has been added documents that were not on the original Docket. (See EXHIBITS A-B-C-D). In clear violation of the Law.

Defendant wants to report that Title 18 part 1 chapter 1 Section 4 (misprision of Felony) has been committed and Title 31 sub Title 3 chapter 37 sub chapter 3 Section 3729, has also been violated. Defendant was arrested in November, 2010 and changes have been made to the docket sheet seven months later in June 2011.

①

① (Title 18, PART 1, Chapter 1 § 4 Misprision of felony)
Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years or both."

"(Title 31 Subtitle III, Chapter 37, Subchapter III)"

"§ 3729. False claims (a) Liability for Certain Acts.—Any person who—(1) knowingly presents, or causes to be presented, to an officer or employee of the United States Government or a member of the Armed Forces of the United States a false or fraudulent claim for payment or approval; (2) knowingly makes, uses, or causes to be made or used, a false record or statement to get a false or fraudulent claim paid or approved by the Government; (3) conspires to defraud the Government by getting a false or fraudulent claim allowed or paid."

The clerk of court has violated his/her job description by adding back dated data in clear fraud on the court. Therefore by these facts with proof and evidence that this case must be dismissed with prejudice against defendant in error immediately.

In the doctrine of (Lex Loci) or (The Law of The Place) determines that standard of conduct and governs as to the matters within the right of action. (Gray vs. Blight, 112 F.2d 696).

②

The clerk is responsible for maintaining the "completeness", "accuracy", and "integrity" of the court files.

Since this description has been openly violated this motion must be granted, for there is no statute of Limitations on fraud in any case.

Such willful action while serving in his/her official capacity again violates Title 18 U.S.C Section 1918 and also deprives defendant in error of honest services which also is a violation of Title 18 section 1346, (Scheme or actifice to defraud).

Therefore this court must perform its duty under the Rule of Law and due justice and dismiss this case with prejudice without delay for justice delayed is justice denied.

Certificate of Service

I Frank M. Alvarez, the living, breathing, flesh and blood natural born free state citizen Sui Juris at Law comes with this motion to dismiss for Fraud upon the court, being placed before this Clerk of court of the United States District Court for the Western District of Missouri Western Division on this day of 5th and month of July in the year 2011.

Judge Greg Kays
400 E. 9th St
K.C. Mo. 64106

Chief Judge
400 E. 9th St
K.C. Mo. 64106

Bruce Rhoades
U.S. Attorney's office
400 E. 9th St
K.C. Mo.

Respectfully, without explicit
reservations of all my
rights without prejudice.

Frank Alvarez

Frank Alvarez