

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)

Request for the Arrest warrant

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 1<sup>st</sup> hand knowledge of the facts here with Title 28 U.S.C 1746(1) "without the United States under penalty of perjury, sworn to within the United States of America.

Defendant in Error is requesting his arrest warrant pertaining to CASE # 10-00320-16-CR-W-DGK, pursuant to Rules of Criminal Procedure, 4(c)(3)(A) and 4(c)(4)(A).

I. Rules of Criminal Procedure 4(c)(3)(A)

This rule states, "A warrant is executed by arresting the defendant. Upon arrest, an officer possessing the warrant "must" show it to the defendant. If the officer does not possess the warrant, the officer must inform the defendant of the warrants existence and of the offense charged, and at the defendant's request, "must" show the warrant to the defendant as soon as possible. The defendant in error has repeatedly asked for the government to produce the arrest warrant pertaining to him, of course. This denial to produce such warrant

is in clear violation of Rule 4(c)(3)(A),

After viewing the discovery there are only two actual arrest warrants for this case, none of which are for the defendant in error.

The court furthermore violates Rule 4(c)(3)(A) in the fact that there is no clear definition of, "as soon as possible." The arrest warrant should have been produced at the defendant's Rule 5 initial appearance hearing.

## II Rules of Criminal Procedure 4(c)(4)(A)

This rule states, "After executing a warrant, the officer must return it to the judge before whom the defendant is brought in accordance with Rule 5. At the request of an attorney for the government, an unexecuted warrant "must" be brought back to and canceled by a magistrate judge, or if none is reasonably available, by a state or local judicial officer."

As the court records will show defendant in error was arrested on 11-19-2010 and brought before Magistrate Judge Robert E. Larsen for his Rule 5 initial appearance hearing. For this to have happened a arrest warrant had to be given to the magistrate judge. Otherwise the initial appearance hearing in accordance with Rule 5, could not have taken place.

## III Conclusion

There now waits defendant in error almost 10 months after his arrest and still no arrest warrant has been produced. When will this court determine that there can be only one option available. That being, the arrest warrant be produced to the defendant in error, or the Western District of Missouri will be blatantly violating the Rules of Criminal Procedure, making defendant in error's arrest an illegal arrest.

# Certificate of Service

I Frank M. Alvarez the living breathing, flesh and blood natural born free citizen Sui Juris at Law comes with this Request for the Arrest warrant placed before this clerk of court of the United States District court for the Western District of Missouri Western Division on this day of 17<sup>th</sup> and month of August 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. 64106

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

Frank Alvarez

Frank Alvarez

USA FIRST-CLASS FOREVER



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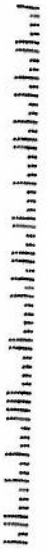
c/o clerk of court.

United States District Court  
Western District of Missouri

~~100 East 9th~~  
KC Mo. 64106

Frank Alvarez-14667-045  
100 HWY TERRACE  
Leavenworth, KS. 66048

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U.S. MARSHALS



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