

Reply to Enforcement's "Feathers' Flurry of Five" Response re: In the Matter of Mark Feathers 3-15755

So, Enforcement shows belief that Feathers "filed five in a flurry". Filed five motions, that is.

Wow, at least "Feathers" didn't pick a peck. Yet, has not Enforcement been pecking, or much worse, or picking, on "Feathers", for eight+ years now? Are "Feathers" and Enforcement engaged as though in caged-rooster sparring match for eight years (what other kind of match does a Respondent with last name "Feathers" engage in?). And, apparently Enforcement was triggered into action by "Feathers" filing of 5. For, Enforcement has been silent on "Feathers" motions for months now. Perhaps "5" was just "1" too many? And, Enforcement now files "in the "interest of economy" a nine page filing to "Feathers" five pages? Perhaps a number of significance is 31. That is the number of federal attorneys involved in "Feathers" SEC, and related, proceedings over the past 8+ years. Against a *pro se* defendant who would like to move on with his life, and who likely would not engage in the actions, anyways, for which the Commission seeks to place on "Feathers" a lifetime ban through these proceedings. But, there are matters of principal here for "Feathers". Part of the issue for "Feathers" being that Enforcement has little, if any "Principles" driving it other than continuing to cover up unlawful and evangelical (and perhaps, criminal) actions of their employees from The Year of Madoff through 2012, when "Feathers" personal assets and his companies were seized in part, or in whole, due to *judicial deception and fraud-on-the-court* of Enforcement employees.

Of course, each of the motions that "Feathers filed in a flurry" has merit on its own. They just happened to present themselves to "Feathers" as no longer repressible matters to him over a short calendar period of time. In due time, the Ninth Circuit will review these matters, when "Feathers" loses these proceedings, not because they were "filed by Feathers in a flurry", for there is no law that "Feathers" is aware of against that, but for the merit for each of the individual five flings of "Feathers".

And, apparently, because a filing consists "of less than one page", it should not have merit? William Wallace's only "filing" of note, in his time, around the late 1200's, was but a verbal one. It was a simple word. That was "freedom". Here, "Feathers" also fights against tyranny...that of Enforcement, by way of Enforcement's fraudulent actions of its officers, employees, and crony partners.

In footnote 2 on page 2 of its "Flurry of Five" reply, Enforcement employs a typical word twist that attorneys employ in legal proceedings such as these. Word twists, in and of themselves, are red flags and red herrings, but that is a separate matter. Enforcement states that "Feathers made almost identical arguments". So, in other words, "Feathers" has NOT made "the same" argument. If "Feathers" did employ a similar argument, then the Court may, of course, choose to consider "Feathers" motion as a motion for reconsideration, but with new facts, and/or, logic employed. And, if they are not dissimilar enough, then "Feathers" perhaps is just perhaps too full of conviction on these matters, but "Feathers" does not mean to harm the operations of the court or Enforcement, or to upset their "economies".

"Feathers" has referenced "double jeopardy" in his motion, when it is actually quadruple jeopardy that applies here. Why it is "quadruple" jeopardy is outlined by "Feathers" in his filing. But "Feathers" has not seen "quadruple jeopardy" used before in filings. In the "interest of economy", perhaps he should have not used "double" and used "quadruple" instead? And, Enforcement is quite aware that "Feathers" is on "criminal probation" now. Anything that Respondent states may be taken out of context. "Feathers" does not have quite the same First Amendment rights as others enjoy, even if Enforcement or others were to think otherwise. And, "Feathers" has also established in other recent

motion filings that Enforcement and division of other federal agencies may engage in retaliatory behavior, and has provided for the court a recent specific example of same. "Respondent" now has a scarlet "F" on him ("felon") that Enforcement raises, and raises again, during these proceedings. That's another red flag, and red herring, as it is not a germane matter for this court. If it becomes one (i.e., if the court makes references to criminal matters, which "Feathers" believes it has not done so far), then "Feathers" will look closely at the allowability of same. Yet, Enforcement has now footnoted in its filings its authority to raise the "criminal" issue, seeking to exploit it, of course. Like that isn't very apparent now, Enforcement? Enforcement acts at times punkish, and bullyish, as well as operating outside the bounds of law. In 2011 and 2012, Enforcement "investigated". Enforcement then filed a civil complaint *ex parte prima facie pro forma* and under *seal*. The third party Stalker Report raises the material possibility that Enforcement personnel grossly violated "Feathers" constitutional rights, and led to an unlawful seizure of "Feathers" and others' property of some \$50,000,000 value, including \$15,000,000 of cash and near-term receivables, for a crony fake-licensed-CPA receiver to pay himself handsomely over the next four years, the same crony fake-CPA receiver who falsely advertised himself as a "licensed CPA" before his first Enforcement referral to federal district court. Enforcement is fully aware of all this, but has chosen to avoid responding to their false financial illustrations in that civil complaint and the false CPA issue by repeating its mantra that "Feathers" is a Felon, and "Feathers" "took a plea", hoping the court will join in to Enforcement's mantra.

As to Enforcement's argument that "Parties cannot typically relitigate issues...", this court and Enforcement are well aware that it is not possible for the specific issue surrounding "Feathers" proceedings to be "re-litigated", not having been litigated in the first instance. As far as "Feathers", knows, there is no precedent that has these circumstances, where SCOTUS has determined that a federal agency had not constitutionally appointed its own judges, and where the Respondent in proceeding has already undergone prior and complete, civil, criminal, and agency proceedings, and that agency re-initiates proceedings. "Feathers" has been living a proverbial "Groundhog Day" movie theme for more than eight years now. When is enough enough? Only CAPITAL CRIMES warrant anything even remote to these proceedings. For, certainly, most of the public at large would agree that the nature of these proceedings are torture on a party so unwillingly, and unnecessarily, involved.

"Feathers" describes these proceedings in different ways for some while now as "unconstitutional", as this court is aware. The very fact that this court cannot recognize that fact, and that a "constitutional" court must side, in the future, with "Feathers", makes this a circular argument does it not? At some point perhaps these proceedings and others like them might receive the publicity necessary to finally get onto Congress' radar screen, and force change. Like full abolishment, for example. And, these courts should be replaced by something akin to bankruptcy court, which is not so heavily tilted in favor of the adversarial parties – statistically born out – and who are federal agencies in their own forum. Yet, not ironically, by design, the Commission is a "creditor" of "Feathers" by way of his civil disgorgement lien. That lien cannot be removed by "Feathers", per law and statute even in that court. These points, taken in the aggregate, might indicate that points our "sovereign" federal government is more a "monarchy" in, and of, itself, than just a collection of employees who operate at the behest of congress within our democracy? Think about it. And, once again, Enforcement tries to have this Court bite the poisoned apple that it offers that "Feathers" is "attacking" district court findings. Not only is this false, but Enforcement argues this repeatedly knowing that there is a high likelihood that "Feathers'" "issues" may appear yet, in the future, in front of the same district court

judge who presided over earlier hearings. The simple matter here, that may be presented in civil court in the near future, is that the Stalker Report buttresses "Feathers" argument that Enforcement presented a skewed and self-serving picture of the "facts" in civil proceedings. Nothing more, and nothing less. Enforcement, can't you stick to the issues of law, and procedure, for everybody's benefit?

And, in its reply, Enforcement is now looking at trying to disqualify the Stalker Report based on procedural issues, rather than matters of evidentiary fact. That, too, should raise red flags for this court. Logic indicates that, since "Feathers" has been continuously embroiled in Commission and DOJ proceedings, during which much time he was incarcerated and held by shackles, that these matters have been equitably tolled. And, additionally, if Enforcement officers and agents and cronies acted outside of constitutional bounds during the process of causing "Feathers" property, and liberty, to be taken, then there is NO statute of limitations to consider the Stalker Report. Enforcement states that "Feathers" had "court appointed counsel" to assist him with his "Ninth Circuit Appeal". Aside from questioning why Enforcement makes another reference yet to "Feathers" earlier appeal, that is a knowingly false statement by Enforcement. "Feathers" had a volunteer help him who was doing pro bono work in that matter. If "Feathers" errs here, then Enforcement should file an addenda showing otherwise. "Feathers" is no attorney specializing in circuit appeals. But "Feathers" would expect that his pro bono counsel left out the Stalker Report from "Feathers" appeals because of evidentiary Circuit rules of procedure/evidence. When is this court going to state on the record that "Feathers", on appearance, is not "relitigating the district court's summary judgement decision". Certainly, Enforcement has said this often enough that this matter deserves attention from this court. "Feathers" is simply looking for relevant evidence to be taken into consideration by this court that was not available at the time of summary judgement motion hearing in the predicate civil matter. "Feathers", who is pro se, is doing his best to follow Commission Rules of Practice, including incorporating, where it may be necessary, requests to take judicial notice.

And, Enforcement, in its own self-serving ways, says that "Feathers" filings actually "are" available at sec.gov. It does not say where they are, though. Because "Feathers" did not see a number of his pre-June 25 filings on the Commission's consolidated proceedings site for his own proceeding. Based upon all of the above, this Court should terminate these proceedings. Or at least take a 180 day break, during which time "Feathers" will pursue a Rule 60 motion based not only upon the Stalker Report, but also based upon the final findings and reports of Enforcement's crony false-CPA receiver, albeit "Feathers" will have to "ferret" out the relevant reliable factual information from the PR spin (self-serving for the receiver to justify compensating himself \$5,000,000, and for Enforcement's benefit, as his master, on appearance) to be found throughout much of that non-CPA's court reports.¹ Respondent has plowed thru this reply because he tends to want to desire to badly vomit when he reads Enforcement filings. If Respondent has left out (aka, missed out on) material challenges to matters now raised by Enforcement, Respondent respectfully requests the court to address these in the future, as a non-response should not be considered to mean that Respondent has conceded to any Enforcement lie, word twisting, conjecture, etc.


Mark Feathers, pro se, Respondent 8-12-20

¹It is Respondent's intention to have this court take judicial notice of the filings of the civil court receiver