**P.O. Box 1385 – Fairfield, CT 06825**
**Telephone (203) 367-8779**
**January 25, 2012**

Catherine O'Hagan Wolfe
Clerk of Court
U.S. Court of Appeals
U.S. Courthouse
40 Foley Square
New York, NY 10007

Re: Book v. Connecticut Resource et al.,
CA #11-1970

Dear Ms. O'Hagan:

This letter pertains to mine to you of January 5, 2010 (original attached) for which, without addressing the key procedural and legal issues raised, the original attached letter together with its enclosures were returned to me on about January 13, 2012, such mailing with mere summary explanation by way of the attached Notice of Non-Jurisdiction. For the unaddressed reasons such as are described in the attached previous letter to you, not only is the presumption of non-jurisdiction for my timely Motion of December 27, 2011 for Reargument of Court Ruling to Deny Motion to Recall Mandate incorrect, there is also no basis to return my original letter dealing with respective procedural issues.

Most particularly, there clearly is court jurisdiction to entertain a motion to recall mandate (Fed. Rules of App. Pro., Rule 41). Thus, as the court undisputably has jurisdiction to entertain a motion to recall mandate, it additionally has the jurisdiction to entertain a timely motion for rehearing of a court ruling to deny a motion to recall mandate (Fed. Rules of App. Pro., Rule 40). This position is also consistent with the objective of the right of appeal as is affirmed in Fed. Rules of App. Pro., Rule 3. Supporting reference also is found in Haberthur v. City of Raymore (1997, CA8 Mo), 119 F.3d 720, 38 FR Serv.3d 90 which affirms that Fed. Rules of App. Pro, Rule 3 is to be construed liberally so that mere technicalities do not foreclose consideration of a case on the merits [same case discussed in Poe v. Leonard, 282 F.3d 123, 137 (2nd Cir. 2002) and Olivera v. Town of Woodbury, New York, 281 F.3d 674, 688 (S.D.N.Y. 2003)]. Additionally, these principles are consistent with "Congress' over-arching goal . . . 'to assure equality of consideration for all litigants'" [at p. 329 quoting Coppedge v. United States, 369 U.S. 438, 447 (1962)]. These established concepts are further supported with the discussion in my previous letter of Archie v. City of Racine, 847 F.2d 1211, 1217 (7th Cir. 1988).

In consideration of the above, I availed myself to the provision which is indicated in the attached Notice that "[i]nquiries regarding this case may be directed to 212-857-8560". Yesterday, I called that number. I stated that I desired to discuss the matter of Book v. Connecticut Resources, CA 11-1970. The person receiving the call took a minute to review the matter and then referred me to Jeannine Cook, a supervisor with whom I had discussed this matter just before my previous letter. Ms. Cook was not available so I left a message with my name, the name and citing of the Appeal, and a brief explanation of the purpose of the call which was to discuss the "jurisdictional" issue

which had been *sua sponte* raised and *ex parte* decided by the Office of the Clerk of Court. That message was left at about mid-day. I have not received any response to the message.

So this morning, at about 10:00 a.m., I again called the same number. When my call was answered, I gave the name of the case and appeal number and I asked to speak with Lucille Carr (an operations manager with whom I spoke just prior to my previous letter). That person asked me to wait on line. She withdrew for several minutes and then reported to me that Ms. Carr could not be located. She asked the purpose of the call. I explained the purpose. Upon my explanation, she responded to my question of her identity by saying that she is Connie Mazariego, the case manager with whom I spoke just prior to my previous letter to you.

She said that she had to return the documents (i.e., the Motion of December 27, 2011 for Reargument of Court Ruling to Deny Motion to Recall Mandate) because the court does not have jurisdiction. I explained that the court does, in fact, have jurisdiction pursuant to Fed. Rules of App. Pro., Rules 3 and 40 and that the purpose of my call pertained to the return of my letter of January 5, 2012. I asked if she was aware if you as the Clerk of Court had received my letter. Without answering my question, Ms. Mazariego commented that before she had earlier returned the documents, she checked with her supervisors and that she was simply following the line of authority. I again explained that such a decision regarding court jurisdiction is not ministerial for which any question or challenge regarding the jurisdiction of the court to entertain such a Rule 40 motion should be done before the court. Considering that the issue of recall of the mandate comes following and because of prior legal and procedural issues regarding the court issuance of a sanction, of application of the sanction by the Clerk of Court beyond even the terms of the face of the ruling, and also of a procedural/legal issue of early issuance by the Clerk of a mandate, I then began to ask Ms. Mazariego if "the sanctions which are issued by the Second Circuit Court of Appeals are . . . ." She then abruptly interrupted me and said that she could not discuss the matter more. I responded by saying that it was not that she could not discuss the matter with me, rather she simply made a decision that she didn't want to do so. At that point, she hung up!

The present issue comes as part of a long sequence of procedural and substantive due process issues in this Appeal and in related Appeals. Of most significance for the present is the action of the Clerk of Court on May 19, 2011 to issue an order which, with reference to an earlier court Order of January 30. 1998, prohibited me from filing papers in three specified Appeals, none of which was the present action. That recent Order should not have been issued by the Clerk of Court as this Appeal is *not* encompassed in specified Appeals (that in addition that there was not a proper lawful basis for the earlier Order of sanction). Then, when my Motion for Leave to Appeal was curiously denied on August 12, 2011, *the Clerk of Court exceeded established procedure to issue a Mandate on the same day that the ruling was issued.* This is relevant context that now, the same Clerk of Court seeks to arbitrarily exclude the substantive provisions of Fed. Rules of App. Pro., Rules 3 and 40 and the 5th and 9th Amendments to deny me the right of presenting a timely Rule 40 Motion for Reargument of a Court Ruling to Deny Motion to Recall Mandate. Particularly considering the chain of events which are summarized here, *this is a horrific situation!*

This situation raises issues of both procedural due process and substantive due process. Procedural due process deals with "[t]he minimal requirements of notice and a hearing guaranteed by the Due Process Clauses of the 5th and 14th Amendments" (Black's Law Dictionary (7th). What has been raised by the Clerk of Court is *not* an issue which should be determined *sua sponte* and *ex parte* by the Clerk of Court. Rather, it is one which, if raised, should be raised either by the parties to the matter or the court thereupon with opportunity for the parties to address and argue the matter. Substantive due process involves government actions which are arbitrary, conscience shocking and constitutionally oppressive [CINE SKS, Inc. v. Town of Henrietta, 597 F.3d 778 (2nd Cir. 2007); Kaluczky v. City of White Plains, 57 F.3d 202 (2nd Cir. 1995)]. What has been done here by officials and employees of the Clerk of Court is fully arbitrary, conscience shocking and constitutionally oppressive.

***The significance of such actions is greater considering the nature of the substantive claims raised in this Appeal, those as pertain to government accountability and government corruption and of retaliatory official actions taken against me as a particularly affected financing specialist.***

*I have raised in this and in related matters that there are issues of systematic biases which exist in state and federal governments and in state and federal courts. Such biases include bias against males, self-represented litigants and political activists. There is also proper cause for me to assert that there is religious bias.*

Some of the bias is politically-oriented. That is, the bias stems from a defective foundation to the existing political power base of several high level government officials (also officials with interconnection and interrelationships with officials of the federal courts). In a letter sent to Barack Obama on May 5, 2009, I referred to public comments made by him during his presidential campaign that our nation's top court needs justices "who feel the needs of real people". Then in response the week prior to Justice Souter's announced retirement, he reminded the nation that "Part of the role of the high court is to look after the people who don't have political power".

Some of the problem referred to by Mr. Obama is observedly discussed in a World Affairs brief by Joel M. Skousen entitled "Corruption of the Judicial System" (2002) (http://www.joelskousen.com). Key portions follow:

> . . . the inevitable result of corruption at the top is that systematic growth of corruption at the state and local level follows – simply because emerging criminal minds find out that there is a massive protection racket above them which will guarantee them immunity, if they play along. There is nothing like immunity to foster criminal growth. . . .
>
> I want to concentrate on local and state collusion with federal criminal acts because this type of corruption is becoming a very real threat to each of us personally . . . . They are tragic, hopeless stories of innocent people suddenly caught up in the jaws of the dark side of government, where there is no escape. In each case the victim or his survivors seek redress

through the courts, and in each and every case, justice is denied – not once, but tens of times as appeals are made from the bottom to the top of our supposed constitutional system.

With reference to the related issue of reverse-gender bias, I refer to the attached letter that I sent on April 27, 2003 to State Representative Michael Lawlor, then Co-Chairman of the legislative Judiciary Committee (that sent while I was in unlawful detention which is subject of Book v. Tobin, CA #06-2289 and 09-2357). The primary focus of the letter deals with the subject of why there are so many more males incarcerated than females (that when the state prison population was about 19,000). The several factors that are discussed in the letter deal largely with reverse-gender bias, of how and why it occurs. Particular attention here is given to the fourth factor which is discussed on page 2 of the Appendix:

> [H]istory shows that certain privileged classes, often those who have vested hidden (or sometimes obvious) business interests, normally depend on the oppression of other groups in order to sustain their privileged status. In the United States, this was observed during the period of slavery, and also during the Viet Nam War when high-level business and political leaders made millions through young males who risked and sometimes lost their lives (Consider President Eisenhower's farewell address to the nation when he warned about the build-up of the "military-industrial complex".
>
> Thus, our recent history shows that males are often abused politically, and that for the wrong reasons, such that it is more politically-acceptable to continue that trend to the present though in different manners (i.e., family court and criminal court, etc.). Some recent e-mails of the judicial reform advocacy group A Matter of Justice (AMOJ: www.amatterofjustice.org) report that the prison population in the United States has increased five-fold over the last three decades, obviously an increase that is must faster than population growth. Also, it has been reported in the media that the *per capita* prison population in the United States is the highest of any nation of the world [i.e., while the total US population is about 5% of the total world population, the US has 25% of the total world prison population].

It is generally understood that females more readily obtain the assistance of professional counsel as both the females and the available attorneys are aware that judges and juries tend to be more favorable to an injured female than to an injured male. With this general trend in mind, considering the interrupted and unanswered question that I attempted to pose to Ms. Mazariego this morning, I hereby assert that ***it is more than plausible, rather it is even probable, that most of the court rulings for sanctions that are issued at the Second Circuit Court of Appeals, most of the IFP motions presented and most of the court rulings to deny IFP motions are of appeals of male, self-represented litigants!*** Also, based my multi-state experience, what I have observed of the Second Circuit is endemic broadly to these United States. ***Reverse-gender bias is a critical political cancer to current American society! It has become a de facto novo-slavery! Also, reverse-gender bias is a vehicle by which other sensitive political biases and preferences are administered!***

Thus, just like the Court of Appeals responses regarding my various Motions presented in this matter, it really didn't matter what facts or laws that I presented to this Clerk of Court, there was already a predilection to disregard my proper positions. Despite the proper and essentially unchallenged facts and relevant legal references, there is a bureaucratic inertia for the judges to take action which might disrupt the political *status-quo,* regardless of how needy or corrupt that *status quo* might be. Similarly, regarding my communications to this Clerk of Court as pertain to the recent issue of the filing and processing of my timely Motion for Reargument, it really has not mattered what facts or laws or constitutional provisions that I might cite, there had already been an arbitrary decision to disregard and ignore me.

Ms. Mazariego says merely that she has followed a line of authority. However, such a presumption fails to absolve her of provisions which deal with systematic bias and failure to take action to end systematic bias (42 U.S. Code, Sections 1985 and 1986).

In addition to other references, such actions of the Clerk of Court are violative of the 9th Amendment:

> The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

Discussion of such "inalienable rights" is found in Whatever Happened to America? By Jon Christian Ryter (2000, Hallberg Publishing Corp., Tampa, FL):

> In Europe, the rights of the people came from the largesse of government. The United States is the only country in which the "rights" of the government are granted by the people, with the superior rights of the people coming directly from God. (p. 98, fn. 1)

Other relevant reference is made regarding our founding fathers and their decision to challenge the authority of the King of England. The book Original Intent by David Barton (5th Ed., 2010, Wallbuilders Press, Aledo, TX) deals with this issue:

> Some today contend that the American Revolution represented a complete violation of basic Biblical principles. They argue from Romans 13 that since government is of God, then all [valid and formal] government decrees are to be obeyed as proceeding from God. Interestingly, it was this same theological argument which had resulted in the "Divine Right of Kings" philosophy which reasoned that since the King was Divinely chosen by God, therefore God expected ***all*** citizens to obey the King in ***all*** cases; anything less, they reasoned, was rebellion against God.
>
> The American Founding Fathers strenuously disagreed with this theological interpretation. For example, Founding Father James Otis (a leader of the Sons of Liberty and the mentor of Samuel Adams) openly struck against the "Divine Right of Kings" theology. In a 1766 work he argued that the only king who had any Divine right was God Himself; beyond that, *God had ordained that the power was to rest with the people.* (at p. 92; brackets and italics added)

The book also quotes from the famous speech given by Patrick Henry on March 23, 1773. Included in that speech is the following:

> Shall we try argument? Sir, we have been trying that for the last ten years . . . . Our petitions have been slighted; our remonstrances [complaints] have produced additional violence and insult; our supplications have been disregarded, and we have been spurned with contempt from the foot of the throne . . . . (at p. 101)

Additional reference from the book is made with a statement made by James McHenry, a signer of the Declaration of Independence:

> [T]he Holy Scriptures . . . can alone secure to society, order and peace, and to our courts of justice and constitutions of government, purity, stability, and usefulness. In vain, without the Bible, we increase penal laws and draw entrenchments [protections] around our institutions. (at p. 179).

Further, it is pertinent to refer to the Inaugural Address of George Washington given before a joint session of Congress on April 30, 1789. That includes the following:

> [I]t would be peculiarly improper to omit, in this first official act, my fervent supplications to that Almighty Being who rules over the universe, who presides in the councils of nations, and whose providential aids can supply every human defect. . . . No people can be bound to acknowledge and adore the Invisible Hand which conducts the affairs of men more than those of the United States. Every step by which they have advanced to the character of an independent nation seems to have been distinguished by some token of providential agency . . . . [W]e ought to be no less persuaded that the propitious [favorable] smiles of Heaven can never be expected on a nation that disregards the eternal roles of order and right which Heaven itself has ordained. (p. 120)

For all the above, I hereby reassert my request that the accompanying Motion for Permission to File Excess Pages and Motion for Reargument of Court Ruling to Deny Motion to Recall Mandate be immediately received, filed and docketed by this Clerk of Court in order for full, proper review by the Court of Appeals.

Sincerely,

Ethan Book Jr.

Enclosures

c: Chief Judge Dennis Jacobs
Senators Harry Reid, Chuck Grassley, Patrick Leahy and Congressman Jim Himes (with all attachments) and
Attorneys Douglas A. Cho, Charles W. Fleischmann, Robert A. Izard, Jr., Carl R. Nasto and Charles H. Walsh, Jr. (with letter and mentioned orders and notice)
Connie Mazariego

**United States Court of Appeals for the Second Circuit**
**Thurgood Marshall U.S. Courthouse**
**40 Foley Square**
**New York, NY 10007**

**DENNIS JACOBS**
CHIEF JUDGE

**CATHERINE O'HAGAN WOLFE**
CLERK OF COURT

Date: January 12, 2012
Docket #: 11-1970mv
Short Title: Book v. Connecticut Resource

DC Docket #: 95-cv-1344
DC Court: CT (NEW HAVEN)
DC Judge: Squatrito

**NOTICE OF NON-JURISDICTION**

This is to acknowledge receipt of papers dated December 27, 2011, in the case referenced above. Because this case was mandated on August 12, 2011, this Court no longer has jurisdiction to entertain your request. For this reason, your papers are returned unfiled.

Inquiries regarding this case may be directed to 212-857-8560.

1106 NORTH AVENUE
BRIDGEPORT, CT 06604
APRIL 27, 2003

Honorable
Michael Lawlor
Co-Chairman
Judiciary Committee
State of Connecticut
Legislative Office Building
Hartford, CT 06106

Dear Chairman Lawlor:

I hope and, with reference to Conn. General Statutes, Sec. 54-95(b), I expect that this will be my last letter sent to you from the Bridgeport Correctional Center. This letter is in the context of three others sent to you during the last three months. With regard to the expressed interest of some state officials of reducing the state's prison population (now estimated at 19,000), I provide focus and comments concerning the observed situation of there being many more male inmates than female inmates. I believe that my present thoughts on this undisputable fact may be helpful in achieving a proper goal in reducing the state's inmate population.

With regard that in our society and also within the State of Connecticut, there are more males incarcerated than females, I offer here four reasons of why I believe that this pattern invariable occurs.

**First**, there's a rather undisputable observation of reverse-gender bias found in government and also in the media. If one looks at the usual population distribution (i.e., normally about 48% male and 52% female), such a bias could be explained and perhaps even expected. However, even for this, such observed bias is not justified.

**Second**, there's a natural, observed tendency for females to be more verbal, that is more talkative, than males. Some of the reasons for this may be related to reason #3 below that my statement seems to reflect a natural, innate tendency. When women have problems and frustrations, they tend to talk about these with various friends and buzom buddies. However, when males have problems and frustrations, there is less of a tendency to talk about or acknowledge the problem and more tendency to attempt to work the problem out within (e.g., not stopping to ask for directions when lost). Unfortunately for men, it sometimes takes major crises (e.g., divorce or getting thrown into jail) for a man to be able to open up about his problems and frustrations to thereby be able to articulate them. To me, what this probably means is that much of what is called "criminal" could probably be resolved outside of the criminal justice system with more effective communication, either before or after the "criminal" issue.

**Third**, there's generally more of an innate tendency or drive for a male to succeed than for females. To some degree, this is expected and parallels scriptural differentiation of males having spiritual oversight of families and also primary financial responsibilities. This natural tendency is sometimes described by society in demeaning terms such as "male ego" or "machoism." However, I believe some of this is natural, proper, and even desired, within reasonable limits, of course.

But in a society which too often, perhaps for #1 above, expects too much of the male, and also for a society in which those in positions of power often tend not to have reasonable limits placed on their own tendencies toward machoism and thereby take advantage of their positions to suppress normal machoism in others and also fail to be willing or able to dialogue to deal with excessive machosim in others, there is the result that many males don't have proper, guiding bounds for their male egos until they get caught doing something wrong.

Also, there's the problem of some of the machos in positions of power who, for their own unbridled egos, improperly define normal, healthy machoism of other males as being something "criminal" (i.e., Sgt. Anthony Lupinacci of the Stamford Police Department with regard to me, also excesses of the feminist movement which have succeeded in obtaining legislation which can make mere sexual innuendo a criminal matter).

**Fourth**, history shows that certain privileged classes, often those who have vested hidden (or sometimes obvious) business interests, normally depend on the oppression of other groups in order to sustain their privileged status. In the United States, this was observed during the period of slavery, and also during the Viet Nam War when high-level business and political leaders made millions through young males who risked and sometimes lost their lives (Consider President Eisenhower's farewell address to the nation when he warned about the build-up of the "military-industrial complex.").

Thus, our recent history shows that males are often abused politically, and that for the wrong reasons, such that it is more politically-acceptable to continue that trend to the present though in different manners (e.g., family court and criminal court, etc.). Some recent e-mails of the judicial reform advocacy group A Matter of Justice (AMOJ: "www:amatterofjustice.org") report that the prison population in the United States has increased five-fold over the last three decades, obviously an increase that is much facter than population growth. Also, it has been reported in the media that the per-capita prison population in the United States is the highest of any nation of the world.

Does it look like there may be something wrong? Was it logical that the United States just spent much human and financial resources to free the people of Iraq when there is so much undisputable oppression in these United States?

Chairman Lawlor, I respectfully submit that there are various substantive points of public interest to be considered in these comments.

Sincerely,

Ethan Book Jr.

P.S. I also believe that all state correctional centers should have complete law libraries.

Re: State Rep. Jacqueline Cocco