

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN PARKS TROWBRIDGE, JR., et al,

Defendants.

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CIVIL ACTION NO.: 9:14-CV-138

REQUEST THAT THE COURT TAKE JUDICIAL NOTICE OF ADJUDICATIVE FACT

Counsel for the United States John Malcolm Bales and Joshua David Smeltzer (“Bales and Smeltzer”) have committed fraud upon the court and falsified the record in an attempt to denigrate Trowbridge, distract the Court, and secure the Court’s agreement to usurp exercise of territorial jurisdiction in Tyler County, Texas, beyond the boundaries fixed by the Constitution for Government courts at Articles 1 § 8(17) and 4 § 3(2), i.e., the selfsame geographic area in which the Constitution confers upon Congress power of territorial legislation, by propounding in United States’ response (Dkt. #63) (“United States’ Response”) to John Parks Trowbridge, Jr.’s objection (Dkt. # 62) (the “Objection”) to Magistrate Judge Keith F. Giblin’s recent report and recommendation (Dkt. #60), certain patently false allegations, generalizations, and ad hominem denigrations of John Parks Trowbridge, Jr. (“Trowbridge”) for which there exists no supporting evidence in the record of this or any other case; to wit:

Trowbridge’s Answer and Amended Answer referred to irrelevant law in his quest to have the Court rule that Texas is not part of the United States of America. (See Dkts. # 7, #10, #18, and #19.) United States’ Response, p. 2.

The crux of Trowbridge’s argument is that he is not subject to tax because he is not a citizen of the United States, which is patently frivolous and has been rejected by the courts. See *United States v. Long*, U.S. District LEXIS 13443, *7, W.D. Tex. 2005)(citing [*sic*] cases rejecting frivolous arguments made regarding

claims that they are not U.S. citizens but “natural persons”, “legal entities”, or citizens of the State and not the United States). *Id.*

Trowbridge has continually asserted these same frivolous arguments (See e.g. Dkts. #53-54), and the most recent iteration has taken the form of objections to the Recent Report and Recommendation. (See Dkt. #62.) *Id.*

The objections filed by Trowbridge are nothing more than a continued attempt to distract the Court and stall collection of his overdue tax liabilities indefinitely. *Id.* at 3.

As the District Court has already noted in adopting the report and recommendation on default judgment, “Trowbridge’s objections are based on the frivolous arguments he has made throughout this proceeding...” (Dkt. #57 at 2.) *Id.*

The most recent objections made by Trowbridge are, again, the same patently frivolous arguments and entitled to no acknowledgement by the Court. *Id.*

The easiest falsehood to disprove is that Trowbridge’s Objection contains “the same patently frivolous arguments,” *supra*; to wit: The basis of the Objection is Trowbridge’s demand for disclosure of the Court’s constitutional authority (Dkt. #58) and subsequent demand for dismissal (Dkt. #59), the subject matter of each of which is lack of constitutional authority that gives the Court the capacity to take territorial and personal jurisdiction and enter a 28 U.S.C. 3002(8) judgment in Tyler County, Texas. Prior to Trowbridge’s filing on September 14, 2015 (Dkt. #58)—14 months after commencement of the instant lawsuit—Trowbridge had never raised this genuine issue of material fact any other time.

Reconciling the allegations, generalizations, and ad hominem denigrations of Trowbridge made by Bales and Smeltzer in United States’ Response, against the actual record of this case, as referenced by docket number in United States’ Response, reveals that there is no corroborating evidence therefor.

In a desperate attempt to (a) avoid revelation that neither plaintiff United States nor the Court has the capacity to take territorial jurisdiction without the geographic area in which the

Constitution, at Articles 1 § 8(17) and 4 § 3(2) confers upon Congress power of territorial legislation, (b) conceal that this Court has no territorial jurisdiction in Tyler County, Texas, (c) recruit the Court to usurp exercise of territorial jurisdiction in Tyler County, Texas, and (d) commit theft of Trowbridge's real property in Tyler County, Texas, under color of authority: Bales and Smeltzer knowingly and willfully fabricated events and conclusions from whole cloth, represented them to be true, entered them in the record, and therefore falsified the record.

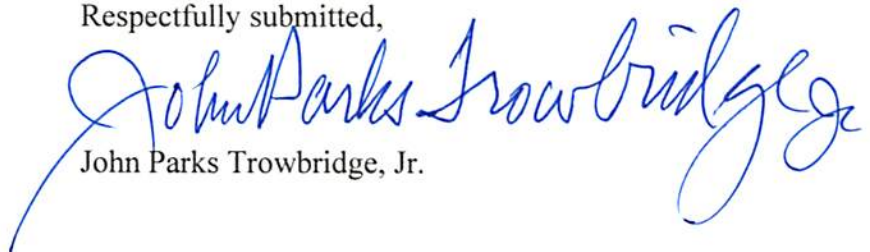
Inasmuch as it is possible that the Court could, in good faith and by mistake or oversight, accept the aforementioned material falsehoods presented by Bales and Smeltzer as true, Trowbridge has a duty to bring the factual misconduct of Bales and Smeltzer to attention of the Court, so as to prevent such statements from being given credence and thereby compounding the fraud upon the court and further undermining the integrity of this proceeding.

In support of the foregoing, Trowbridge makes fully part hereof and incorporates herein by reference the attached Affidavit in Support of Request that the Court take Judicial Notice of Adjudicative Fact.

Pursuant to Federal Rule of Evidence 201(c)(2), John Parks Trowbridge, Jr. hereby requests that the Court take judicial notice of the adjudicative fact of fraud upon the court by counsel for the United States John Malcolm Bales and Joshua David Smeltzer as shown herein.

Date: February 24, 2016

Respectfully submitted,


John Parks Trowbridge, Jr.

Affidavit in Support of Request that the Court take Judicial Notice of Adjudicative Fact

Introductory Certification.

John Parks Trowbridge, Jr. ("Affiant") hereby solemnly swears, declares, and states as follows:

1. Affiant can competently state the matters set forth herein.
2. Affiant has personal knowledge of the facts stated herein.
3. All the matters set forth and facts stated herein are true, correct, and complete in accordance with Affiant's best firsthand personal knowledge and belief.

Averments of John Parks Trowbridge, Jr.

4. Affiant has neither seen nor been presented with any evidence or material fact that demonstrates that:

- (a) Affiant is on a quest to have the court in United States District Court for the Eastern District of Texas, Tyler Division Civil Action No. 6:14-cv-595 or Lufkin Division Civil Action No. 9:14-cv-138, rule that Texas is not part of the United States of America;
- (b) Affiant argued that Affiant is not subject to tax because Affiant is not a citizen of the United States;
- (c) Affiant claimed that Affiant is not a U.S. citizen but a "natural person", "legal entity", or citizen of the State and not the United States;
- (d) The filings identified as Dkts. #53-54 in the record of United States District Court for the Eastern District of Texas, Lufkin Division Civil Action No. 9:14-cv-138 reflect that Affiant claimed that Affiant is not a U.S. citizen but a "natural person", "legal entity", or citizen of the State and not the United States;

- (e) John Parks Trowbridge, Jr.'s Objection to Report and Recommendation on Motion for Summary Judgment and Motions to Dismiss, i.e., Dkt. # 62 of the United States District Court for the Eastern District of Texas, Lufkin Division Civil Action No. 9:14-cv-138, reflects that Affiant claimed that Affiant is not a U.S. citizen but a "natural person," "legal entity," or citizen of the State and not the United States;
- (f) Affiant, by way of Affiant's objections appearing in the record of United States District Court for the Eastern District of Texas, Lufkin Division Civil Action No. 9:14-cv-138 has attempted to distract the court in said civil action and stall collection of alleged overdue tax liabilities indefinitely;
- (g) Affiant has done anything in United States District Court for the Eastern District of Texas, Tyler Division Civil Action No. 6:14-cv-595 or Lufkin Division Civil Action No. 9:14-cv-138 except exercise, in good faith, with clean hands and full disclosure, Affiant's legal rights;
- (h) Affiant's objections cited above in paragraph 4(f) are frivolous in substance;
- (i) The issue of whether the Constitution gives the court in United States District Court for the Eastern District of Texas, Lufkin Division Civil Action No. 9:14-cv-138, the capacity to take territorial and personal jurisdiction in Tyler County, Texas, is a frivolous matter; or
- (j) The court in United States District Court for the Eastern District of Texas, Lufkin Division Civil Action No. 9:14-cv-138 is warranted in refusing to acknowledge Affiant's filings for what amounts to nothing more than Affiant exercising Affiant's legal rights,

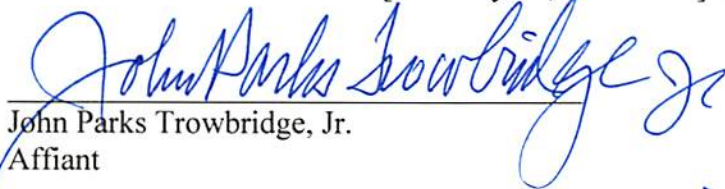
and believes that none exists.

Closing Certification.

5. The Undersigned Affiant, John Parks Trowbridge, Jr., hereby solemnly swears, declares, and states that Affiant executes this Affidavit on Affiant's unlimited liability, that Affiant can competently state the matters set forth herein, and that the facts and averments stated herein are true, correct, and complete in accordance with Affiant's best firsthand personal knowledge and belief.

Further Affiant sayeth naught.

Date: Sworn to and signed this twenty-fourth day of the second month in the year of our Lord two thousand sixteen [February 24, A.D. 2016] at Humble, Harris County, Texas.


John Parks Trowbridge, Jr.
Affiant

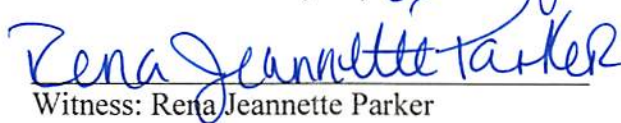
02-24-16
Date


Witness: Catherine Diane Guion

02-24-16
Date


Witness: Lucrecia Fay Taylor

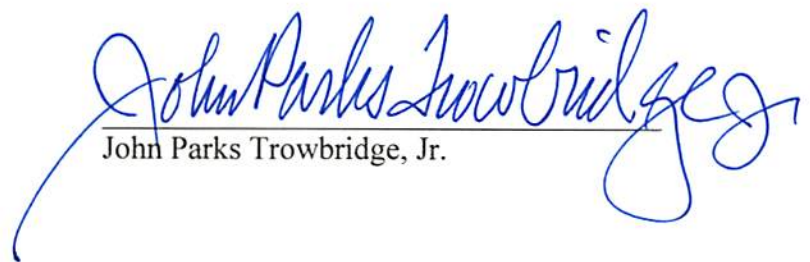
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Date


Witness: Rena Jeannette Parker

CERTIFICATE OF SERVICE

I certify that on February 24, 2016, the foregoing **REQUEST THAT THE COURT TAKE JUDICIAL NOTICE OF ADJUDICATIVE FACT** together with attached **AFFIDAVIT IN SUPPORT OF NOTICE OF ADJUDICATIVE FACT** was served via United States Mail, postage pre-paid, as follows:

Joshua Smeltzer
Department of Justice, Tax Division
717 N. Harwood, Suite 400
Dallas, Texas 75201


John Parks Trowbridge, Jr.