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JAN 23 2017

AMENDED AFFIDAVIT OF INFORMATION

CRIMINAL COMPLAINT

FOR PUBLIC NOTICE FILING

NINTH JUDICIAL DISTRICT
By: _____

John Parks Trowbridge, Jr.,)	NO. _____
)	
Complainant Affiant,)	AFFIDAVIT OF INFORMATION
)	
v.)	
)	[CONSTITUTION] TREASON TO THE
Ewing Werlein, Jr.,)	CONSTITUTION; [TEXAS] SIMULATING
)	LEGAL PROCESS; TAMPERING WITH
Defendant.)	GOVERNMENTAL RECORD;
)	IMPERSONATING PUBLIC SERVANT;
)	ABUSE OF OFFICIAL CAPACITY;
)	OFFICIAL OPPRESSION
)	

[Note: This instrument amends Affidavit of Information: Criminal Complaint for Public Notice Filing, Form AOI-011017, dated January 10, 2017.]

Introduction.

John Parks Trowbridge, Jr. (the "Complainant Affiant") hereby files this Affidavit of Information upon probable cause pursuant to the Fourth and Fifth Articles of Amendment, Articles III §§ 1 and 2, cl. 2 and VI, cl. 3 of that certain constitution ordained and established September 17, 1787, and implemented March 4, 1789, Independence Hall, Philadelphia, Pennsylvania (the "Constitution"), and Texas Penal Code §§ 32.48, 37.10, 37.11, 39.02, and 39.03; in respect of which, evidence of the above-enumerated offenses, committed by Ewing Werlein, Jr., with intent to deny Complainant Affiant Complainant Affiant's constitutional right to due process of law and usurp exercise of "The judicial Power of the United States," Constitution, Art. III, § 1, contrary to the provisions of Article VI, Clause 3 thereof ; wherefore, Complainant Affiant hereby solemnly swears, declares, and deposes as follows:

1. Complainant Affiant is competent to state the matters set forth herein.

JAN 23 2017


2. Complainant Affiant has knowledge of the facts stated herein.

3. All the facts stated herein are true, correct, and complete in accordance with Complainant Affiant's personal knowledge, and if called upon as a witness, Complainant Affiant shall so testify.

Plain statement of facts.

4. To be authorized to exercise "The judicial Power of the United States," Constitution, Art. III, § 1, Ewing Werlein, Jr. must hold an "Office or public Trust under the United States," Constitution, Art. VI, cl. 3.

5. For Ewing Werlein, Jr. to qualify to hold an "Office or public Trust under the United States," Constitution, Art. VI, cl. 3, and be authorized to exercise "The judicial Power of the United States," *id.* at Art. III, § 1, Ewing Werlein, Jr. must take an oath or affirmation that accords with the provisions of Art. VI, cl. 3 of the Constitution, which provides:

The Senators and Representatives before mentioned, and the Members of the several State legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

6. Congress on June 1, 1789, 1 Stat. 23, provide "the oath or affirmation required by the sixth article of the Constitution of the United States," *id.*; to wit:

SEC. 1. Be it enacted by the Senate and [House of] [thus in original] of Representatives of the United States of America in Congress Assembled, That the oath or affirmation required by the sixth article of the Constitution of the United States, shall be administered in the form following, to wit : "I, A.B., do solemnly swear or affirm (as the case may be) that I will support the Constitution of the United States." . . . [Underline emphasis added.]

7. In conformance with the provisions of Article VI, Clause 3 of the Constitution, the oath or affirmation provided at 1 Stat. 23, *supra*, requires no religious test "as a Qualification to any Office or public Trust under the United States," Constitution, Art. VI, cl. 3.

8. As of April 13, 1992, Ewing Werlein, Jr. receives his commission as a United States District Judge.¹

9. On April 13, 1992, and continuing to this day, the only oath for the office of a United States District Judge provided by Congress is the oath at 28 U.S.C. § 453 *Oath of justices and judges of the United States*, 104 Stat. 5124, which provides.

Each justice or judge of the United States shall take the following oath or affirmation before performing the duties of his office: "I, _____, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as _____ under the Constitution and laws of the United States. So help me God." [Underline emphasis added.]

10. The oath or affirmation at 28 U.S.C. § 453, 104 Stat. 5124, requires of Ewing Werlein, Jr. a religious test as a qualification to the office of United States District Judge; to wit: "So help me God."

11. The religious test required by the 28 U.S.C. § 453, 104 Stat. 5124, oath or affirmation taken by Ewing Werlein, Jr. as a qualification to the office of United States District Judge, disqualifies Ewing Werlein, Jr. from holding "any Office or public Trust under the United States," Constitution, Art. VI, cl. 3, for failure to take an oath or affirmation that accords with the provisions of Article VI, Clause 3 of the Constitution, *supra*, page 2.

12. Not holding "any Office or public Trust under the United States," Constitution, Art. VI, cl. 3, Ewing Werlein, Jr. has no authority to exercise "The judicial Power of the United States," Constitution, Art. III, § 1, in Harris County, Texas.

13. Ewing Werlein, Jr. on December 5, 2016, usurps jurisdiction and exercise of "The judicial Power of the United States," Constitution, Art. III, § 1, in a geographic area reserved

¹ Federal Judicial Center, "Biographical Directory of Federal Judges," "Werlein, Ewing Jr." <http://www.fjc.gov/servlet/nGetInfo?jid=2549&cid=999&ctype=na&instate=na> (accessed January 7, 2017).
Form AAOI-012317 Amended Affidavit of Information / Criminal Complaint for Public Notice Filing
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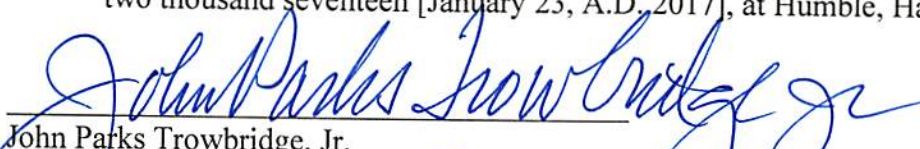
exclusively for judicial officers who have taken an oath or affirmation that accords with the provisions of Article VI, Clause 3 of the Constitution, i.e., Harris County, Texas, and enters Ewing Werlein, Jr.'s Final Judgment and Preclusion Order, a certified copy of which is attached hereto and incorporated herein by reference as though set forth in full, against Complainant Affiant, without having taken an oath or affirmation that gives Ewing Werlein, Jr. the authority to hold "any Office or public Trust under the United States," Constitution, Art. VI, cl. 3, or exercise "The judicial Power of the United States," Constitution, Art. III, § 1, in Harris County, Texas.

Verification.

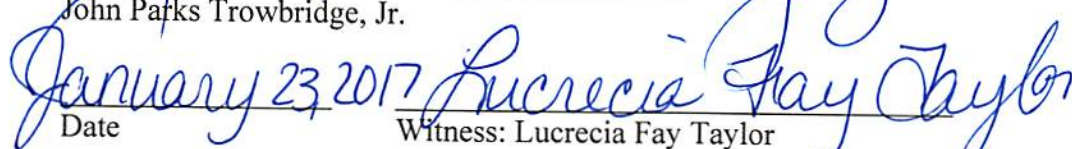
The Undersigned Complainant Affiant, John Parks Trowbridge, Jr., hereby solemnly swears, declares, and states that Complainant Affiant executes this Amended Affidavit on Complainant Affiant's unlimited liability, that Complainant Affiant can competently state the matters set forth herein, and that the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

Further Complainant Affiant sayeth naught.


Date: Subscribed and sworn to this twenty-third day of the first month in the year of our Lord two thousand seventeen [January 23, A.D., 2017], at Humble, Harris County, Texas.


John Parks Trowbridge, Jr.

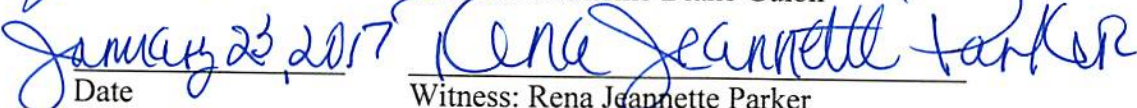
Date


Witness: Lucrecia Fay Taylor

Date


Witness: Catherine Diane Guion

Date


Witness: Rena Jeannette Parker

ENTERED

December 05, 2016

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JOHN PARKS TROWBRIDGE, JR., §
§
Plaintiff, §

v. §

CIVIL ACTION NO. H-16-2747

JACOB JOSEPH LEW; DEPARTMENT §
OF THE TREASURY, a.k.a. the §
Treasury; ERIC HIMPTON §
HOLDER, JR.; UNITED STATES §
OF AMERICA; UNITED STATES, §
a.k.a. U.S., a federal §
corporation and trade name/ §
trademark of the District of §
Columbia, a municipal §
corporation; UNITED STATES §
DEPARTMENT OF JUSTICE; §
KENNETH MAGIDSON; THE UNITED §
STATES ATTORNEY'S OFFICE, §
SOUTHERN DISTRICT OF TEXAS; §
JOSHUA DAVID SMELTZER; §
DAVID J. BRADLEY; OFFICE OF §
THE CLERK OF THE COURT, U.S. §
DISTRICT COURT, SOUTHERN §
DISTRICT OF TEXAS; ANTHONY §
STEVEN MURDOCK; LYNN NETTLETON §
HUGHES; UNITED STATES DISTRICT §
COURT FOR THE SOUTHERN DISTRICT §
OF TEXAS; GLENDA MARIE HASSAN; §
KATHY GRANT; JAMES THOMAS §
ASHTON; JOHN ANDREW KOSKINEN; §
OFFICE OF THE COMMISSIONER OF §
INTERNAL REVENUE; INTERNAL §
REVENUE SERVICE; WILLIAM WARREN §
LEGARE; DAVID M. COLEMAN; GARY §
LYNN BLANKINSHIP; STACIA ANN §
HYLTON; UNITED STATES MARSHALS §
SERVICE, a.k.a. U.S. Marshals §
Service; PAT LOPEZ; DAVID §
HERRERA; CAROL ANN BARTHEL; §
ROBERT JOEL BRANMAN; ROBERT §
WILLIAM METZLER; LYLE WYMAN §
CAYCE; OFFICE OF THE CLERK OF §
COURT, UNITED STATES COURT OF §
APPEALS FOR THE FIFTH CIRCUIT; §
CHRISTINA GARDNER; PATRICK §

FINAL JUDGMENT
AND
PRECLUSION ORDER

ERROL HIGGINBOTHAM; JAMES L.	§
DENNIS; JAMES EARL GRAVES, JR.;	§
UNITED STATES COURT OF APPEALS	§
FOR THE FIFTH CIRCUIT;	§
ANGELIQUE DREFAVA BATISTE;	§
SHELIA JOYCE KUYKENDALL;	§
JPMRRE, LLC, a.k.a. JPM RRE,	§
LLC; LEROY HENRY NASSIF;	§
TAMARA WENDY ASHFORD;	§
UNITED STATES TREASURY; EDITH	§
HOLLAN JONES; STEPHEN ANDREW	§
HIGGINSON; RHONDA MOUTON	§
FLOWERS; AMANDA SUTTON-FOY;	§
and DOES 1-10,	§
	§
Defendants.	§

FINAL JUDGMENT AND PRECLUSION ORDER

Among the motions pending in this case are United States of America's Motion to Dismiss Plaintiff's Complaint with Prejudice, Alternative Motion for Summary Judgment, and Motion for Sanctions (Document No. 4), as supplemented by United States of America's Supplemental Motion to Dismiss (Document No. 30);¹ JPMRRE, LLC's

¹ All individually named Defendants, except William Warren Legare, Sheila Joyce Kuykendall, and Rhonda Mouton Flowers, have entered an appearance and adopted and joined in the United States's motion to dismiss as supplemented. See Document Nos. 30, 41, 42, 58. United States Department of Justice Attorney Thomas Herrin represents that Defendants Legare and Kuykendall (evidently both I.R.S. employees), and Flowers (evidently a deputy Clerk of Court in the Fifth Circuit) have not been properly served. Document No. 58 at 2 n.1. Indeed, there is no proof that Summons and a copy of the Complaint have been served on Legare and Flowers, and the putative proof of service on Kuykendall consists of a process server's return stating that he mailed by certified mail a citation to Kuykendall--not at the address shown for her in the Complaint and request for service, but rather at a different address in a different zip code--and a return receipt card with the space for the printed name of the recipient left blank, along with a

Motion to Dismiss Plaintiff's Complaint with Prejudice, Alternative Motion for Summary Judgment, and Motion for Sanctions (Document No. 5); and Plaintiff John Parks Trowbridge, Jr.'s Amended Motion to Remand (Document No. 31).² After giving due consideration to the motions, responses, replies, and applicable law, the Court concludes that the case is legally and factually frivolous and constitutes a malicious abuse of the judicial system wrongfully to harass and abuse persons and offices of Government, and Defendants' motions to dismiss Plaintiff's claims on such basis (Document Nos. 4, 5, and 30) should be GRANTED.

In United States v. Trowbridge, et al., No. 4:14-CV-27 (S.D. Tex. May 23, 2014), *aff'd* 591 F. App'x 298, 299 (5th Cir. 2015), *cert. denied*, 135 S. Ct. 2816 (2015), *reh'g denied*, 136 S. Ct. 14 (2015), Plaintiff on May 23, 2014, was adjudged liable to the United States for \$3,326,015.01, plus additional statutory additions after April 7, 2014, in delinquent federal income taxes,

completely illegible mark in the signature space above. Whether served with process or not, Plaintiff's pleadings against these three are frivolous and abusive and subject to dismissal as a malicious abuse of the judicial system.

² Plaintiff moves to remand this case, arguing that the United States District Court for the Southern District of Texas is a court of "general jurisdiction" that cannot accept removal of his case originally filed in the 284th District Court for Montgomery County, Texas. This argument is wholly without merit. Moreover, 28 U.S.C. § 1442(a) authorizes removal of a civil action commenced in state court alleged against the United States, its agencies, or officers, property holders whose title derives from any such officer, or officers of the courts. Accordingly, Plaintiff's motion to remand is DENIED.

penalties, and fees from income tax liabilities for the tax years of 1993 through 1997. The Amended Final Judgment adjudged that the United States had tax liens on Plaintiff's property, including 25117 Ramrock Drive, Porter, Texas (the "Property"), and authorized the United States to foreclose its liens against the Property.³ In partial satisfaction of the Amended Final Judgment, and as authorized by the Amended Final Judgment, the United States foreclosed upon and sold the Property at auction to Defendant JPMRRE, LLC.

Plaintiff now alleges in this proceeding that all named Defendants--including the District Judge who presided over the delinquent tax case, the panel of Circuit Judges on the United States Court of Appeals for the Fifth Circuit who affirmed the trial court judgment, Clerks of Court, federal agencies, federal departments, and employees thereof, plus the successful bidder that purchased the foreclosed Property at public auction--were involved in a massive criminal conspiracy to steal the Property from Plaintiff.⁴ Although Plaintiff couches his Complaint in terms of a massive conspiracy and provides numerous citations to non-binding

³ Plaintiff provides the legal description of the Property as:

Lot Sixteen (16), Block One (1), of Bentwood, Section One (1), a Subdivision of 156.8 Acres of Land, Out of the William Massey Survey, A-391, and the Mary Owens Survey, A-405, in Montgomery County, Texas, as Imposed by the Map and Dedication Records in Cabinet G, Sheets 138A through 141A of the Map Records of Montgomery County, Texas.

⁴ Document Nos. 1-3 to 1-8 (Am. Compl.).

secondary authorities, Plaintiff's present suit is, in essence, an impermissible collateral attack on the Amended Final Judgment entered in United States v. Trowbridge, et al., No. 4:14-cv-27, and bears all the marks of another zany and frivolous construct by a tax protester.

As observed above, the Amended Final Judgment was affirmed by the Fifth Circuit, and the United States Supreme Court denied Plaintiff's application for a writ of certiorari. It is the law of the case. The Fifth Circuit expressly rejected as frivolous Plaintiff's primary argument in his appeal from that judgment, stating that Plaintiff "presents 'shopworn arguments characteristic of tax-protestor rhetoric that has been universally rejected by this and other courts,'" and that "there is 'no need to refute these arguments with somber reasoning and copious citation of precedent; to do so might suggest these arguments have some colorable merit.' . . . They have no merit at all." United States v. Trowbridge, 591 F. App'x 298, 299 (5th Cir.) (citations omitted), cert. denied, 135 S. Ct. 2816, and reh'g denied, 136 S. Ct. 14 (2015). Plaintiff in this case reiterates the same kind of "shopworn arguments characteristic of tax-protestor rhetoric," id., this time directed at the prior litigation and execution of the Amended Final Judgment when the Government foreclosed its tax liens and sold the Property. The right and entitlement of the United States to foreclose its tax liens and to sell the Property was

adjudicated on the merits, and the Amended Final Judgment declared that the "United States of America . . . [h]as all right, title, and interest in the property including the right to possession." No colorable legal or factual basis has been pled to disturb the Amended Final Judgment entered in Case No. 4:14-cv-27 or to hold any of the named defendants--most of whom are immune from suit--liable to Plaintiff.

In further flagrant abuse of judicial process, Plaintiff also filed a Notice of *Lis Pendens* in the Official Public Records of Montgomery County, Texas--referencing this frivolous and abusive action--asserting that he was entitled to the Property. Because Plaintiff has pled no colorable right to the Property, much less a claim that would have probable validity, pursuant to Section 12.0071(c)(2) of the Texas Property Code, the Notice of *Lis Pendens* should be EXPUNGED. Accordingly, it is

ORDERED that Plaintiff's Amended Original Petition and all of Plaintiff's claims filed herein are DISMISSED WITH PREJUDICE; and it is further

ORDERED that the Notice of *Lis Pendens* describing the Property filed on August 15, 2016 at DOC #2016072495 in the Official Public Records of Montgomery County, Texas is hereby in all things EXPUNGED and held for NAUGHT. TEX. PROP. CODE ANN. § 12.0071(c)(2).

The Court further finds that Plaintiff's Amended Original Petition and his Amended Affidavit of Information and Criminal

Complaint are legally and factually frivolous, and constitute a malicious abuse of the judicial system wrongfully to harass and to abuse persons and offices of government and others who were involved--however attenuated or imagined by Plaintiff--in the prior judicial proceedings and foreclosure and sale of the Property. Accordingly, it is further

ORDERED that until such time as the Court may otherwise order, Plaintiff John Parks Trowbridge, Jr., and any and all persons acting in concert with him and/or on his behalf, are hereby permanently ENJOINED from:

1. Filing or attempting to file any further action, motion, or pleading in state or federal court in any manner based or bearing upon the facts, circumstances, and proceedings underlying entry of the Amended Final Judgment in Civil Action No. 4:14-cv-27, in the United States District Court for the Southern District of Texas, appeals therefrom in the United States Court of Appeals for the Fifth Circuit, and foreclosure and sale of the Property pursuant to such Amended Final Judgment. The United States District Clerk's office is hereby further DIRECTED to return unfiled any further pleadings or motions received from John Parks Trowbridge, Jr. in this action, except for the timely filing of a notice of appeal from this Final Judgment, if Plaintiff desires to appeal,⁵ and

⁵ The Court of Appeals ordered that Plaintiff is barred from filing any further appeals "until (1) the [\$8,000] sanctions

2. Taking any action to encumber the Property situated at 25117 Ramrock Drive, Montgomery County, Porter, Texas, or otherwise to cloud or attempt to impair or to slander in any manner the title to the Property acquired by JPMRRE, LLC, a.k.a. JPM RRE, LLC, and it is further


ORDERED that any new cause of action that John Parks Trowbridge, Jr., or any person acting for or on his behalf, seeks to file in this Court shall be accompanied by a Motion for Leave to File Complaint. Before filing any pleadings, the Clerk of Court shall forward the Motion for Leave to File with its accompanying pleadings to the Chief United States District Judge for the Southern District of Texas for consideration and disposition.

All other pending motions are DENIED as moot.

This is a FINAL JUDGMENT.

The Clerk will enter this Order, providing a correct copy to all parties of record.

SIGNED in Houston, Texas, this 5TH day of December, 2016.


EWING WERLEIN, JR.
UNITED STATES DISTRICT JUDGE

awarded by this court are fully paid; and (2) a district court certifies his appeal as having some arguable merit." Trowbridge, 591 F. App'x at 300. If that Order applies to an appeal from this Final Judgment, the District Court would be unable to certify such an appeal by Plaintiff as having any arguable merit.