

FILED

10/01/2024

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 24-0181

IN THE SUPREME COURT OF MONTANA
CASE No 24-0181

DANNY LEE WARNER JR
PLAINTIFF/APPELLANT

V

STATE OF MONTANA
DEFENDANT/APPELLEE

OPENING BRIEF
COVER SHEET

DANNY LEE WARNER JR
#799-415
P.O. BOX 788
MANSFIELD OH 44901

STATE OF MONTANA
ATTORNEY GENERAL
215 NORTH SANDERS
HELENA MT 59620

*NOTE: PLAINTIFF/APPELLANT HAS NO ACCESS TO MONTANA
RULES, STATUTES, ETC. THIS DOES NOT KNOW IF
THE FOLLOWING MEETS THIS COURT'S RULES.

FILED

OCT - 1 2024

Bowen Greenwood
Clerk of Supreme Court
State of Montana

IN THE SUPREME COURT OF MONTANA
CASE No. 24-0181

DANNY LEE WARNER JR,
PLAINTIFF/APPELLANT

V

STATE OF MONTANA

DEFENDANT/APELLEE

OPENING BRIEF

PLAINTIFF DANNY LEE WARNER JR, PRO SE, PRESENTS THIS OPENING BRIEF AS AN APPEAL FROM CAUSE No. CDV 2020-586 IN THE FIRST JUDICIAL DISTRICT COURT OF LEWIS & CLARK COUNTY, MONTANA, JUDGE KATHY SEELEY PRESIDING

AS AN INITIAL MATTER, MR WARNER HAS CONSISTENTLY AND CONTINUOUSLY MADE THIS COURT AWARE OF THE DIFFICULTIES HE HAS FACED AT MANSON CORRECTIONAL INSTITUTION (MANCI) SINCE HIS ARRIVAL THERE DECEMBER 6, 2023 WITH LEGAL ACCESS, ACCESS TO THE COURTS, AND HIS LEGAL MAIL/MATERIALS AND THIS INTENTIONAL INTERFERENCE GOES ON TO TODAY, WHERE MR WARNER STILL HAS NO ACCESS TO MONTANA LAW, STATUTES, RULE OR PRIOR PRECEDENT AND WILL HAVE TO PREPARE THE INSTANT BRIEF WITHOUT ANY OF THESE, IS BEING REFUSED ALL NOTARY AND COPYING SERVICES COMPLETELY, AND CANNOT CONDUCT LEGAL RESEARCH, IN THE LAST NINETY DAYS ALONE MR WARNER IS MISSING SEVEN (7) PIECES OF LEGAL MAIL/DOCUMENTS FROM SIX (6) DIFFERENT COURTS/ATTORNEYS/LEGAL ENTITIES IN BOTH OREGON AND MONTANA, INCLUDING THE HANDBOOK IT ORDERED ITS CLERK TO SEND PLAINTIFF JULY 23, 2024, BUT HE NEVER RECEIVED.

II. STATEMENT OF ISSUES PRESENTED FOR REVIEW

1. WHERE THE STATE OF MONTANA IS THE ONLY DEFENDANT INTENDED TO BE SUED IS PERSONAL SERVICE UPON THE MONTANA ATTORNEY GENERAL UNDER RULE 4(1) SUFFICIENT SERVICE OF PROCESS FOR THE CASE TO PROCEED?

2. DOES SUING THE GOVERNOR OF A STATE IN HIS OFFICIAL CAPACITY AS CEO OF THE STATE REQUIRE PERSONAL SERVICE AND/OR IS A PLAINTIFF REQUIRED TO IDENTIFY THE GOVERNOR PERSONAL ATTORNEY OR IS SERVICE UPON THE ATTORNEY GENERAL (AS THE STATED ATTORNEY) SUFFICIENT TO "PERFECT" SERVICE UPON THE STATE OF MONTANA?

3. DOES ARTICLE II, §18 OPERATE AS A WAIVER OF PERSONAL SERVICE IN CASES AGAINST THE STATE SUCH THAT PLAINTIFFS NEED NOT "PERFECT" SERVICE FOR A DISTRICT COURT TO OBTAIN JURISDICTION?

4. IS MONTANA CODE ANNOTATED (MCA) §25-20-4 (RULE 4(d)(3)(A) M.R.(C.V.P)) UNCONSTITUTIONAL AS APPLIED OR DOES IT DIRECT DISTRICT COURTS TO ORDER A DEFENDANT TO PAY THE COSTS OF PERSONAL SERVICE AFTER TWENTY-ONE (21) DAYS HAVE ELAPSED ONCE A PLAINTIFF PROPERLY SERVES DEFENDANT BY MAIL?

5. IS MCA §2-9-10(1) UNCONSTITUTIONALLY ABUSE OR SIMPLY UNCONSTITUTIONAL AS APPLIED?

6. GIVEN THAT MR WARNER PROPERLY SERVED THE ATTORNEY GENERAL, SHOULD HIS CLAIMS HAVE PROCEEDED UNDER RULE 4(S)(1) OR WAS IT AN ABUSE OF DISCRETION TO DISMISS PLAINTIFF CLAIMS?

7. GIVEN THAT JUDGE SEELY ISSUED RESPONSE DOCUMENTS TO PLAINTIFFS EX PARTE APPLICATION AND MOTION TO AMEND, WAS SHE REQUIRED TO ISSUE ORDERS TO MR. WARNER'S MOTION FOR ORDER DIRECTING DEFENDANT TO PAY COSTS OF SERVICE, MOTION FOR CERTIFICATION OF CLERK, THE APPLICATION FOR EMERGENCY TRO or INJUNCTION OR EITHER OF THE PETITION FOR EXPEDITED DECLARATORY JUDGMENTS?

8. IS THE ABSENCE OF A READY ALTERNATIVE FOR POOR PERSONS TO PAY FOR SERVICE OF PROCESS (ARE THE COURTROOM DOORS BARRED TO THOSE UNABLE TO PAY) OR IS THIS UNCONSTITUTIONAL UNDER *inter alia*, ARTICLE II §4 OF MONTANA'S CONSTITUTION?

9. ARE MR WARNER'S UNDERLYING ISSUES MEMORIOUS, AND SHOULD THEY BE ALLOWED TO PROCEED LIKE ANY OTHER INDIVIDUAL WHO MAY BE SIMILARLY SITUATED?

10. IS MCA §2-9-3(1) A WAIVER OF SERVICE BY THE STATE THAT AFFORDS DISTRICT COURTS WITH JURISDICTION OVER THE STATE AUTOMATICALLY UNDER MCA §2-9-100 THROUGH 300?

11. IS MR WARNER ENTITLED TO REIMBURSEMENT OF TWO HUNDRED AND EIGHTY-ONE DOLLARS AND THREE CENTS (\$281.03) FOR PAYING FOR PERSONAL SERVICE WHEN THE DISTRICT COURT HAD A LEGAL DUTY TO ORDER DEFENDANT TO PAY THE COSTS OF PERSONAL SERVICE UNDER RULE 4(d)(3)(A)?

12. WHEN TAKEN TOGETHER DO ARTICLE II §4 AND §18 PROVIDE GREATER PROTECTIONS TO THOSE SUING THE STATE OR ONE OF ITS SUBDIVISIONS?

INTN: PRIME DIV OF MEXICANA
(REF: 24-0181)

DANNY LEE WARNER SR Plaintiff

OPENING BRIEF

STATE OF MISSISSIPPI

Appellate court Lee v. Weir 51 Pa. 20. 1846. 1847. 1848. 1849. 1850. 1851. 1852. 1853. 1854. 1855. 1856. 1857. 1858. 1859. 1860. 1861. 1862. 1863. 1864. 1865. 1866. 1867. 1868. 1869. 1870. 1871. 1872. 1873. 1874. 1875. 1876. 1877. 1878. 1879. 1880. 1881. 1882. 1883. 1884. 1885. 1886. 1887. 1888. 1889. 1890. 1891. 1892. 1893. 1894. 1895. 1896. 1897. 1898. 1899. 1900. 1901. 1902. 1903. 1904. 1905. 1906. 1907. 1908. 1909. 1910. 1911. 1912. 1913. 1914. 1915. 1916. 1917. 1918. 1919. 1920. 1921. 1922. 1923. 1924. 1925. 1926. 1927. 1928. 1929. 1930. 1931. 1932. 1933. 1934. 1935. 1936. 1937. 1938. 1939. 1940. 1941. 1942. 1943. 1944. 1945. 1946. 1947. 1948. 1949. 1950. 1951. 1952. 1953. 1954. 1955. 1956. 1957. 1958. 1959. 1960. 1961. 1962. 1963. 1964. 1965. 1966. 1967. 1968. 1969. 1970. 1971. 1972. 1973. 1974. 1975. 1976. 1977. 1978. 1979. 1980. 1981. 1982. 1983. 1984. 1985. 1986. 1987. 1988. 1989. 1990. 1991. 1992. 1993. 1994. 1995. 1996. 1997. 1998. 1999. 2000. 2001. 2002. 2003. 2004. 2005. 2006. 2007. 2008. 2009. 2010. 2011. 2012. 2013. 2014. 2015. 2016. 2017. 2018. 2019. 2020. 2021. 2022. 2023. 2024. 2025. 2026. 2027. 2028. 2029. 2030. 2031. 2032. 2033. 2034. 2035. 2036. 2037. 2038. 2039. 2040. 2041. 2042. 2043. 2044. 2045. 2046. 2047. 2048. 2049. 2050. 2051. 2052. 2053. 2054. 2055. 2056. 2057. 2058. 2059. 2060. 2061. 2062. 2063. 2064. 2065. 2066. 2067. 2068. 2069. 2070. 2071. 2072. 2073. 2074. 2075. 2076. 2077. 2078. 2079. 2080. 2081. 2082. 2083. 2084. 2085. 2086. 2087. 2088. 2089. 2090. 2091. 2092. 2093. 2094. 2095. 2096. 2097. 2098. 2099. 2100. 2101. 2102. 2103. 2104. 2105. 2106. 2107. 2108. 2109. 2110. 2111. 2112. 2113. 2114. 2115. 2116. 2117. 2118. 2119. 2120. 2121. 2122. 2123. 2124. 2125. 2126. 2127. 2128. 2129. 2130. 2131. 2132. 2133. 2134. 2135. 2136. 2137. 2138. 2139. 2140. 2141. 2142. 2143. 2144. 2145. 2146. 2147. 2148. 2149. 2150. 2151. 2152. 2153. 2154. 2155. 2156. 2157. 2158. 2159. 2160. 2161. 2162. 2163. 2164. 2165. 2166. 2167. 2168. 2169. 2170. 2171. 2172. 2173. 2174. 2175. 2176. 2177. 2178. 2179. 2180. 2181. 2182. 2183. 2184. 2185. 2186. 2187. 2188. 2189. 2190. 2191. 2192. 2193. 2194. 2195. 2196. 2197. 2198. 2199. 2200. 2201. 2202. 2203. 2204. 2205. 2206. 2207. 2208. 2209. 2210. 2211. 2212. 2213. 2214. 2215. 2216. 2217. 2218. 2219. 2220. 2221. 2222. 2223. 2224. 2225. 2226. 2227. 2228. 2229. 2230. 2231. 2232. 2233. 2234. 2235. 2236. 2237. 2238. 2239. 2240. 2241. 2242. 2243. 2244. 2245. 2246. 2247. 2248. 2249. 2250. 2251. 2252. 2253. 2254. 2255. 2256. 2257. 2258. 2259. 2260. 2261. 2262. 2263. 2264. 2265. 2266. 2267. 2268. 2269. 2270. 2271. 2272. 2273. 2274. 2275. 2276. 2277. 2278. 2279. 2280. 2281. 2282. 2283. 2284. 2285. 2286. 2287. 2288. 2289. 2290. 2291. 2292. 2293. 2294. 2295. 2296. 2297. 2298. 2299. 2300. 2301. 2302. 2303. 2304. 2305. 2306. 2307. 2308. 2309. 2310. 2311. 2312. 2313. 2314. 2315. 2316. 2317. 2318. 2319. 2320. 2321. 2322. 2323. 2324. 2325. 2326. 2327. 2328. 2329. 2330. 2331. 2332. 2333. 2334. 2335. 2336. 2337. 2338. 2339. 2340. 2341. 2342. 2343. 2344. 2345. 2346. 2347. 2348. 2349. 2350. 2351. 2352. 2353. 2354. 2355. 2356. 2357. 2358. 2359. 2360. 2361. 2362. 2363. 2364. 2365. 2366. 2367. 2368. 2369. 2370. 2371. 2372. 2373. 2374. 2375. 2376. 2377. 2378. 2379. 2380. 2381. 2382. 2383. 2384. 2385. 2386. 2387. 2388. 2389. 2390. 2391. 2392. 2393. 2394. 2395. 2396. 2397. 2398. 2399. 2400. 2401. 2402. 2403. 2404. 2405. 2406. 2407. 2408. 2409. 2410. 2411. 2412. 2413. 2414. 2415. 2416. 2417. 2418. 2419. 2420. 2421. 2422. 2423. 2424. 2425. 2426. 2427. 2428. 2429. 2430. 2431. 2432. 2433. 2434. 2435. 2436. 2437. 2438. 2439. 2440. 2441. 2442. 2443. 2444. 2445. 2446. 2447. 2448. 2449. 2450. 2451. 2452. 2453. 2454. 2455. 2456. 2457. 2458. 2459. 2460. 2461. 2462. 2463. 2464. 2465. 2466. 2467. 2468. 2469. 2470. 2471. 2472. 2473. 2474. 2475. 2476. 2477. 2478. 2479. 2480. 2481. 2482. 2483. 2484. 2485. 2486. 2487. 2488. 2489. 2490. 2491. 2492. 2493. 2494. 2495. 2496. 2497. 2498. 2499. 2500. 2501. 2502. 2503. 2504. 2505. 2506. 2507. 2508. 2509. 2510. 2511. 2512. 2513. 2514. 2515. 2516. 2517. 2518. 2519. 2520. 2521. 2522. 2523. 2524. 25

As mentioned in the Mr. Whipple letter, we have been advised of the different ways the legal system - North Carolina - and the state of Maryland - have handled the situation. Since we are not at all sure of the law, we have decided to follow the lead of the Maryland Court. This is the only way to be sure we are not in violation of the law. We have also decided to follow the lead of the Maryland Court in the matter of the law given the only of all that we can see under the Maryland law.

II STATEMENT OF THE CASE

INITIALLY MR WARNER FILED HIS ~~VERIFIED~~ COMPLAINT TO CHALLENGE SEVERAL MONTANA DEPARTMENT OF CORRECTIONS ("MDOC") AND MONTANA STATE PRISON ("MSP") POLICY AND PROCEDURES AND THE APPLICATION OF THE NEWLY ENACTED MCA § 53-30-709 et. seq. SEEKING INJUNCTIVE AND DECLARATORY RELIEF (NO MONETARY DAMAGES), HOWEVER AFTER HAVING BEEN RETALIATED ON FOR THIS LAWSUIT SEVERAL TIMES AND AFTER THE SECOND TRANSFER TO ANOTHER STATE MR WARNER AMENDED HIS COMPLAINT

MR WARNER INCORPORATED BY REFERENCE, AS THOUGH SET FORTH HERE IN FULL, ALL OF THE FACTS IN HIS COMPLAINT AND AMENDED COMPLAINT, AS EACH IS STILL AS RELEVANT TODAY AS IT WAS WHEN MR WARNER FILED IT IN THE FIRST JUDICIAL DISTRICT COURT IN HELENA, MONTANA

INDEED, THE FACTS RELEVANT TO THE INSTANT APPEAL ARE THOSE RELATED TO SERVICE OF PROCESS AS THIS IS THE SOLE REASON FOR JUDGE SEELEY'S ERRONEOUS DISMISSAL

MR WARNER SENT A COPY OF THE SUMMONS (SHOWING THE STATE HAD 42 DAYS TO ANSWER), COMPLAINT, TWO COPIES OF THE ACKNOWLEDGEMENT AND WAIVER OF SERVICE OF SUMMONS, AND A SELF-ADDRESSED STAMPED ENVELOPE FOR ITS RETURN TO THE MONTANA ATTORNEY GENERAL ("A.G.") AND DIRECTOR OF THE MONTANA DEPARTMENT OF CORRECTIONS ("MDOC") ON APRIL 27, 2020, HOWEVER THE ACKNOWLEDGEMENT AND WAIVER WERE NEVER RETURNED TO HIM. SEE EXHIBIT B, pg 3, 113; EXHIBIT C AND D, pg 1.

AFTER AMENDING HIS COMPLAINT MR WARNER SENT A COPY OF IT, ALONG WITH A SUMMONS, TWO COPIES OF THE ACKNOWLEDGEMENT AND WAIVER OF SERVICE OF SUMMONS AND A SELF-ADDRESSED STAMPED ENVELOPE FOR ITS RETURN TO THE A.G., GOVERNOR, AND DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION ("DAS") BY U.S. POSTAL MAIL POSTAGE PREPAID NOVEMBER 1, 2022, HOWEVER, THE ACKNOWLEDGEMENT AND WAIVER WERE NEVER RETURNED TO HIM. SEE EXHIBIT E, pg 3, 114, SEE ALSO EXHIBIT D, pg 4, copy of Acknowledgment sent and Notice.

ONCE MR WARNER COULD SCRAPE TOGETHER THE MONEY TO PAY FOR PERSONAL SERVICE, HE HAD THE GOVERNOR AND AG. SERVED BY CORPORAL ANDY HAEGELE OF THE LEWIS & CLARK COUNTY SHERIFFS OFFICE. SEE EXHIBIT B, pg 4, 116 AND EXHIBIT E, pg 1 and 2.

MR WARNER DID NOT HAVE THE MONEY TO HAVE THE DAS SERVED AND DID NOT BELIEVE HE HAD TO IN ORDER TO PROCEED GIVEN THE PLAIN LANGUAGE OF MCA 2-9-101(1) DEFINING A "CLAIM" AS ONE MADE "FOR MONEY DAMAGES ONLY."

ON APRIL 30, 2020 MR WARNER FILED AN EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITHOUT NOTICE ALONG WITH THE REQUIRED AFFIDAVIT AND BRIEF IN SUPPORT WHICH WAS SUMMARILY DENIED BY JUDGE SEELEY

ON MARCH 6, 2023 MR WARNER FILED AN AFFIDAVIT AND MOTION FOR ORDER DIRECTING DEFENDANT TO PAY COSTS OF SERVICE THAT WAS SIMPLY IGNORED BY JUDGE SEELEY DESPITE HER LEGAL OBLIGATION TO GRANT PURSUANT TO RULE 4(d)(3)(D) M.R.C.V.P.

ALSO ON MARCH 6, 2023 MR WARNER FILED A MOTION, AFFIDAVIT, AND BRIEF FOR EMERGENCY TRO OR INJUNCTION, WHICH AGAIN JUDGE SEELEY SIMPLY IGNORED.

ON MARCH 6, 2023 MR WARNER SUBMITTED TWO PETITIONS FOR EXPEDITED DECLARATORY JUDGEMENT, NEITHER OF WHICH WERE RULED ON BY JUDGE SEELEY BUT LANGUISHED IN JUDICIAL NO-MAN'S LAND DESPITE THE MONTANA CONSTITUTION'S ASSERTION THAT "COURTS OF JUSTICE SHALL BE OPEN TO EVERY PERSON, AND A SPEEDY REMEDY AFFORDED FOR EVERY INJURY OF PERSON, PROPERTY, OR CHARACTER" ARTICLE II, § 16.

ALL OF THESE MOTION/APPLICATIONS/PETITIONS WERE SUBMITTED AFTER THE STATE OF MONTANA HAD BEEN PROPERLY SERVED UNDER RULE 4(1) SO THERE CAN BE NO REASONABLE JUSTIFICATION FOR JUDGE SEELEY TO FAIL TO GIVE SOME SORT OF RESPONSIVE DOCUMENT OR FULFILL HER LEGAL DUTY UNDER RULE 4(d)(3)(D) M.R.C.V.P.

INSTEAD JUDGE SEELEY SEEMED CONTENT TO ALLOW THE STATE TO INTENTIONALLY EVADE ANY JUDICIAL REVIEW OF MR WARNER'S CLAIMS AND PROVIDED IT IMMUNITY FROM SUIT BASED SOLELY UPON MR. WARNER'S SOCIAL CONDITION, DISMISSING HIS COMPLAINT BECAUSE HE COULD NOT AFFORD TO MAKE THE DAD SERVED, EVEN THOUGH HE DID NOT HAVE TO.

MR WARNER FILED HIS NOTICE OF APPEAL DAYS AFTER JUDGE SEELEY ISSUED HER ERRONEOUS ORDER DISMISSING HIS MERITORIOUS CLAIMS BECAUSE OF TECHNICALITIES THAT WERE INAPPLICABLE TO THE UNDERLYING PROCEEDINGS AND IT IS THIS ERRONEOUS ORDER THAT MR WARNER APPEALS HEREIN. SEE EXHIBIT A.

IT SHOULD BE NOTED THAT THE CLERK OF THIS COURT EASILY APPREHENDED WHO THE DEFENDANT IS (WHEN JUDGE SEELEY COULD NOT SEEM TO DO SO AFTER TWO YEARS!) BY DOCKETING THE INSTANT APPEAL AS DANNY LEE WARNER VS STATE OF MONTANA.

III STATEMENT OF THE FACTS

THE FACTS RELATED TO THIS APPEAL ARE DIFFERENT THAN THOSE ALLEGED IN MR WARNER'S VERIFIED COMPLAINT, THUS, MR WARNER INCORPORATES BY REFERENCE, AS THOUGH SET FORTH HERE IN FULL, ALL FACTS ENUMERATED IN BOTH HIS VERIFIED COMPLAINT AND AMENDED COMPLAINT AND MAINTAINS THAT ALL OF THE ALLEGATIONS IN HIS COMPLAINT ARE MERITORIOUS AND HE WOULD PREVAIL ON THEM IF HIS CASE IS ALLOWED TO PROCEED.

MR WARNER CLEARLY DID NOT SUE GREG GIANFORTE IN HIS INDIVIDUAL CAPACITY CONSIDERING THE CAPTION AND THE "DEFENDANT" SECTION OF THE COMPLAINT.

MOREOVER, GIVEN MCA § 2-9-101(1) DEFINING A "CLAIM" AS AN ALLEGATION "FOR MONEY DAMAGES ONLY" AGAINST THE STATE, MR WARNER ALSO HAD NO OBLIGATION TO SERVE THE DIRECTOR OF DAS AND COULD NOT AFFORD TO EVEN IF HE DID HAVE SUCH AN OBLIGATION.

FINALLY, THE DISTRICT COURT HAD (AND STILL HAS) A MANDATORY LEGAL OBLIGATION TO ORDER THE STATE OF MONTANA, GOVERNOR, AG, AND DIRECTOR OF DAS TO PAY THE COSTS OF PERSONAL SERVICE, INCLUDING REIMBURSING MR WARNER FOR THE COSTS HE HAS ALREADY INCURRED.

IV STANDARD OF REVIEW

THE MONTANA SUPREME COURT REVIEWS A DISTRICT COURT GRANTING OF A RULE 12(B) MOTION TO DISMISS de novo AND IT "MUST BE CONSIDERED IN THE LIGHT MOST FAVORABLE TO THE PLAINTIFF." ROONEY V CITY OF COT BANK 2012 MT 149, ¶ 13.

MOREOVER, THIS COURT'S REVIEW OF CONSTITUTIONAL QUESTIONS SUCH AS THOSE PRESENTED IN MR WARNER'S UNDERLYING PROCEEDINGS IS PLENARY. STATE V CASE 2024 MT 165, ¶ 21.

FINALLY, THE DETERMINATION OF PERSONAL SERVICE AND INSUFFICIENCY OF SERVICE/SERVICE OF PROCESS ARE QUESTIONS OF LAW THIS COURT REVIEW de novo. SEE GENERALLY DeLeon v BNSF Ry Co., 2018 MT 219, ¶ 16.

V SUMMARY OF ARGUMENT

DESPITE HER DOUBLE-TALK AND REPEATING THE SAME THING OVER AND USING DIFFERENT WORDING SO AS TO MAKE MR WARNER'S "PROCEDURAL DEFICIENCIES" "TOO GLARING TO IGNORE" JUDGE SEELEY GRANTED DEFENDANT'S RULE 12(B) MOTION TO DISMISS FOR ONLY THREE REASONS, NONE OF WHICH JUSTIFIES DISMISSING MR WARNER'S MERITORIOUS ALLEGATIONS:

1. NOT EFFECTING PERSONAL SERVICE ON GREG GIANFORTE;
2. NOT EFFECTING PERSONAL SERVICE ON THE DIRECTOR OF THE DAS; and
3. A TYPOGRAPHICAL ERROR WHEREIN THE SUMMONS PROVIDED TO THE STATE LISTED TWENTY-ONE (21) DAYS TO RESPOND RATHER THAN FORTY-TWO (42) DAYS.

TAKING THE LAST FIRST, TECHNICAL DEFECTS SUCH AS A TYPOGRAPHICAL ERROR DOES NOT PRECLUDE PROCEEDING TO TRIAL AND JUDGEMENT NOR CAN IT PROVIDE A DISTRICT COURT WITH ENOUGH TO DISMISS MERITORIOUS CLAIMS. SEE FARM CREDIT BANK V BONDUR, 1992 MONT. DIST. LEXIS 41628-9.

AS CAN CLEARLY BE SEEN, THE COPY OF THE SUMMONS WHICH WAS MAILED TO THE STATE OF MONTANA AND DAS SHOWS FORTY-TWO DAYS, THUS IF EITHER HAD RETURNED THE ACKNOWLEDGMENT WAIVING PERSONAL SERVICE THERE WOULD HAVE BEEN NO NEED FOR ANOTHER

SIGNIFICANTLY, HAD JUDGE SEELEY FULFILLED HER MANDATORY LEGAL DUTY TO ORDER DEFENDANT TO PAY THE COSTS OF PERSONAL SERVICE UNDER RULE 4(D)(3)(D) ONCE MR WARNER HAD PROVIDED HER DIRECT EVIDENCE THAT HE HAD FOLLOWED THE PROCEDURE IN RULE 4(3)(A) M. R. C.V.P. MR WARNER WOULD NOT HAVE HAD TO FIND THE MONEY HIMSELF TO PERSONALLY SERVE IT AND WOULD NOT HAVE COMMITTED A TYPOGRAPHICAL ERROR.

AS TO THE FIRST "REASON" ABOVE: AS MR WARNER MADE ABUNDANTLY CLEAR IN HIS COMPLAINT AND RESPONSE TO DEFENDANT'S RULE 12(B) MOTION TO DISMISS, HE DID NOT SUE GREG GIANFORTE IN HIS INDIVIDUAL CAPACITY BUT ONLY "AS THE STATE OF MONTANA" AND JUDGE SEELEY DELIBERATELY DISREGARDS THIS INDISPUTABLE FACT TO DISMISS MR WARNER'S MERITORIOUS ALLEGATIONS. IN OTHER WORDS, MR WARNER WAS NEVER, AT ANY TIME, REQUIRED TO PERSONALLY SERVE GIANFORTE, BUT DID SO OUT OF AN ABUNDANCE OF CAUTION TO PREVENT THE VERY THING THAT HAPPENED: THE UNNECESSARY AND NEEDLESS DELAY OF ISSUES THAT REQUIRE IMMEDIATE ATTENTION.

FINALLY, JUDGE SEELEY ASSERTS THAT MR WARNER DID NOT EFFECT SERVICE OF PROCESS ON THE DIRECTOR OF THE DAS, HOWEVER, SETTING ASIDE THE DIRECT EVIDENCE THAT HE ACTUALLY DID DO SO (EXHIBIT B, pg 3, 914). AGAIN HE HAD NO OBLIGATION TO DO SO GIVEN MCA § 2-9-101(1) DEFINITION OF "CLAIM" BEING "FOR MONEY DAMAGES ONLY" WHILE MR WARNER SOUGHT DECLARATORY AND INJUNCTIVE RELIEF.

MOREOVER, MR WARNER DID NOT HAVE THE MEANS TO PERSONALLY SERVE THE DAS EVEN IF HE DID HAVE A DUTY TO DO SO AND JUDGE SEELEY AGAIN REFUSED TO FULFILL HER LEGAL DUTY TO ORDER THE DAS TO PAY FOR PERSONAL SERVICE BECAUSE IT DID NOT RETURN THE ACKNOWLEDGMENT AND WAIVER WITHIN TWENTY-ONE DAYS AS IT WAS SUPPOSE TO

SIGNIFICANTLY, ONLY ACTIONS ARISING UNDER TITLE 2, CHAPTER 9 MUST BE SERVED ON THE DIRECTOR OF THE DAS. MCA § 2-9-313. MR WARNER INSTEAD INVOKED THE DISTRICT COURT JURISDICTION UNDER MCA § 3-5-302 FOR VIOLATIONS OF MCA § 2-2-145 AND MCA § 27-1-1503 AMONG OTHERS, WHICH ARE WHOLLY UNRELATED TO EITHER THE DAS OR

TITLE 2, CHAPTER 9, MEANING MR WARNER HAD NO OBLIGATION TO SERVE THE DAS TO SEE THESE MERITORIOUS ALLEGATIONS PROCEED TO TRIAL AND JUDGEMENT

INDEED, IN DISMISSING ALL OF MR WARNERS ALLEGATIONS JUDGE SEELY MANIFESTED A GROSS MISCARriage OF JUSTICE: ONCE THE MONTANA ATTORNEY GENERAL HAD BEEN SERVED BY CORPORAL HAEGELE ON JANUARY 4, 2023 (EXHIBIT E, pg 1) PROCESS OF SERVICE UPON THE STATE HAD BEEN PERFECTED AND MR WARNERS CASE SHOULD HAVE PROCEEDED "TO TRIAL AND JUDGEMENT" UNDER RULE 4(S)(1) M.R. CIV.P.; AT MINIMUM, THE MERITORIOUS ALLEGATIONS UNDER MCA § 2-2-145 AND MCA § 27-1-1503 SHOULD HAVE BEEN ALLOWED TO PROCEED AND THE DISTRICT COURT SHOULD HAVE ADDRESSED MR WARNERS APPLICATION FOR EMERGENCY TRO OR INJUNCTION AND TWO PETITIONS FOR EXPEDITED DECLARATORY JUDGEMENT GIVEN THE FACT THAT THE IRREPARABLE INJURIES THESE WERE BASED UPON ARE STILL OCCURRING!

II ARGUMENT

SETTING ASIDE THE FACTS THAT MCA § 3-5-302 AND ARTICLE II, § 18 OF THE MONTANA CONSTITUTION CONFERS JURISDICTION OVER THE STATE TO DISTRICT COURTS, THE RULES ARE CLEAR:

"SERVING THE STATE. THE STATE ... MUST BE SERVED BY DELIVERING A COPY OF THE SUMMONS AND COMPLAINT TO THE ATTORNEY GENERAL..." RULE 4(1) M.R. CIV.P.

"I HEREBY CERTIFY THAT I ... PERSONALLY SERVED ... THE STATE OF MONTANA - AUSTIN KNUDSEN ... AND THAT THE UNDERSIGNED KNOWS THE PERSON SERVED TO BE THE PERSON IN THIS DOCUMENT AS HAVING BEEN SERVED AND INTENDED TO BE SERVED." EXHIBIT E, pg 1.

"IF THE SUMMONS IS SERVED ON ONE OR MORE, BUT NOT ALL, DEFENDANTS, PLAINTIFF MAY PROCEED TO TRIAL AND JUDGEMENT AGAINST THE SERVED DEFENDANT(S)"
RULE 4(S)(1) M.R. CIV.P.

AT MINIMUM, MR WARNERS MERITORIOUS CLAIMS UNDER MCA §§ 53-30-700, ex. seq. 27-1-1503, 49-2-201, 46-19-401, AND 2-2-145 SHOULD NOT HAVE BEEN DISMISSED, BUT THE STATE SHOULD HAVE BEEN MADE TO APPEAR AND ANSWER; IN TRUTH, BECAUSE THE STATE HAD BEEN PROPERLY SERVED BOTH BY MAIL, AND PERSONAL SERVICE ALL OF MR. WARNERS CLAIMS SHOULD HAVE PROCEEDED AND IT WAS

A GROSS MISCARRIAGE OF JUSTICE TO DISMISS HIS ALLEGATIONS, PARTICULARLY FOR THE REASONS GIVEN AS THEY WERE EITHER IRRELEVANT OR INAPPLICABLE TO THE UNDERLYING PROCEEDINGS.

MOREOVER, THE CRUX OF THIS APPEAR IS THE WAY IN WHICH JUDGE SEELY APPLIED RULE 4(d)(3)(D) M.R.C.V.P. OR DID NOT FULFILL HER LEGAL DUTY AS THE CASE IS:

"IF A PERSON SERVED BY MAIL DOES NOT COMPLETE AND RETURN THE NOTICE AND ACKNOWLEDGEMENT WITHIN 21 DAYS, THE COURT MUST ORDER THAT PERSON TO PAY THE COSTS OF PERSONAL SERVICE" RULE 4(d)(3)(D) M.R.C.V.P. "BOTH 'SHALL' AND 'MUST' ARE MANDATORY, RATHER THAN PERMISSIVE" MONTCO V SIMONICH, 285 Mont. 280, 287, 947 P.2d 1047, 1051 (1997).

MR WARNER PRESENTED A MOTION FOR ORDER DIRECTING DEFENDANT TO PAY COSTS OF PERSONAL SERVICE PURSUANT TO RULE 4(d)(3)(D) M.R.C.V.P. ALONG WITH DIRECT EVIDENCE THAT HE HAD PERSONALLY SATISFIED THE REQUIREMENTS OF RULE 4(d)(3)(A) M.R.C.V.P. ALTHOUGH JUDGE SEELY SIMPLY IGNORED THESE RATHER THAN FULFILLING HER LEGAL OBLIGATION TO ORDER DEFENDANT TO PAY THE COSTS ASSOCIATED WITH PERSONAL SERVICE.

THIS COURT HAS LONG CONSIDERED SWORN STATEMENTS IN AFFIDAVITS AS DIRECT EVIDENCE. SEE STATE V HOWARD, 2002 MT 276, ¶ 13 AS SUCH, MR WARNER'S AFFIDAVIT WAS SUFFICIENT TO PROVE THAT HE SERVED THE SUMMONS AND COMPLAINT BY MAIL PROPERLY AND THAT DEFENDANT DID NOT RETURN THE WAIVER WITHIN 21 DAYS AS THE RULES REQUIRE, INDEED DID NOT RETURN IT AT ALL, THUS DEFENDANT ASSUMED RESPONSIBILITY FOR ANY AND ALL COSTS ASSOCIATED WITH PERSONAL SERVICE. SIGNIFICANTLY, EITHER THIS COURT OR THE FIRST JUDICIAL DISTRICT COURT MUST ORDER A) THAT MR WARNER BE REIMBURSED TWO HUNDRED EIGHTY-ONE DOLLARS AND THREE CENTS (\$281.03) THAT HE SPENT SERVING DEFENDANT; and B) THAT DEFENDANT PAY ANY COSTS TO PERSONALLY SERVE ANYONE THIS COURT DETERMINES MUST BE SERVED FOR THE UNDERLYING PROCEEDINGS TO CONTINUE, KEEPING IN MIND THAT MR WARNER SERVED THE MDOC AND DIRECTOR OF THE DAS BY MAIL ALREADY. EXHIBIT B, Pg 3-4, 119136.

THE WAY IN WHICH RULE 4(d)(3)(D) M.R.C.V.P. WAS APPLIED BY JUDGE SEELEY WAS UNCONSTITUTIONAL UNDER ARTICLE II, §§ 3, 4, 16, 18, 18, 28, AND 31; INDEED, JUDGE SEELEY PROVIDED THE STATE A NEW IMMUNITY FROM SUIT BY DISMISSING MR WARNER'S MERITORIOUS CLAIM AS SHE DID: THE STATE SIMPLY HAD TO AVOID SERVICE OF PROCESS FROM A POOR PERSON LONG ENOUGH THAT THEY EITHER CEASE PURSUING THEIR CLAIMS ("FAILURE TO PROSECUTE") OR THE TIME TO SERVE PROCESS RUNS OUT. EITHER WAY, NEITHER STATUTE NOR THE MONTANA CONSTITUTION PROVIDE AN ALTERNATIVE TO THOSE WHOSE SOCIAL CONDITION PREVENT THEM FROM PAYING THE COSTS ASSOCIATED WITH SERVICE OF PROCESS AND MR WARNER SOCIAL CONDITION IS EXACERBATED BY THE FACT THAT HE IS A PRO SE PRISONER AND APPARENTLY THE COURTROOM DOORS REMAIN BARRED TO HIM EVEN WHEN HE SCRAPES UP THE MONEY TO PAY FOR PERSONAL SERVICE. NONETHELESS, THE ABSENCE OF ANY READY ALTERNATIVE FOR SERVICE OF PROCESS THAT A POOR PERSON CAN UTILIZE OFFENDS, *inter alia*, ARTICLE II, §§ 4, 16, AND 17 AS IT IS INHERENTLY DISCRIMINATORY AGAINST A PLAINTIFF'S SOCIAL CONDITION AND DEPRIVES THEM OF BOTH EQUAL PROTECTION OF THE LAW AND DUE PROCESS; MORE IMPORTANT TO THE INSTANT APPEAL, JUDGE SEELEY'S ACTS AND OMISSIONS DEPRIVED MR WARNER OF "A SPEEDY REMEDY FOR EVERY INJURY." WHITE V STATE, 661 P.2d 1272, 1275 (MONT. 1983). ASIDE FROM NOT FULFILLING HER LEGAL OBLIGATIONS BY RULE AND STATUTE, JUDGE SEELEY IGNORED THE DIRECTIVE, UNDER ARTICLE II, § 16 THAT "COURTS MUST CONSIDER FIRST THE RIGHT AND THEN JUSTICE AND NEITHER MUST BE DENIED." NEECH V HILLHAGEN W, 23 MONT. 21, 91 64 (1989).

ADDITIONALLY, IT WAS CLEAR AND UNAMBIGUOUS THAT MR WARNER WAS ONLY SUING THE STATE OF MONTANA, BY AND THROUGH ITS CEO GREG GIANFORTE AS HE IS THE ULTIMATE AUTHORITY OVER THE MDOC AND IS THE ONLY PERSON WHO CAN, *inter alia*, ORDER AN OMBUDSMAN OR GRANT MUCH OF THE INJUNCTIVE RELIEF SOUGHT BY PLAINTIFF. EITHER WAY, GIANFORTE WAS NOT SUED IN HIS INDIVIDUAL CAPACITY AND MR WARNER HAD NO OBLIGATION WHATSOEVER TO IDENTIFY HIS PERSONAL ATTORNEY OR SERVE HER; INDEED, CORPORAL HAEGELES SERVICE

UPON GREG GIANFORTE WAS SUFFICIENT FOR MR WARNER TO HAVE PERFECTED SERVICE OF PROCESS UPON THE STATE, PARTICULARLY WHERE BRITTNEY HANSEN HELD HERSELF OUT AS SOMEONE WHO COULD ACCEPT SERVICE FOR GIANFORTE. SEE EXHIBIT E, pg 2. INDEED, MR WARNER DID MORE THAN HIS PART AND CANNOT ACCEPT LIABILITY FOR OTHER PEOPLE'S MISTAKES OR NOT FOLLOWING THE LAW.

THIS COURT HAS CONSISTENTLY HELD THAT SERVICE OF PROCESS IS IMPORTANT BECAUSE "THE COURT ACQUIRES NO JURISDICTION OVER THE PARTY". HOWEVER, IN THE INSTANT CASE JURISDICTION OVER THE STATE IS ACQUIRED BY CONSTITUTIONAL AND STATUTORY PROVISIONS WHOLLY UNRELATED TO SERVICE OF PROCESS, MAKING THE RULES INAPPLICABLE TO SUCH CASES. MR WARNER SATISFIED THE RULES FOR SERVICE OF PROCESS AND STILL HAD HIS MERITORIOUS CLAIMS DISMISSED FOR "PROCEDURAL DEFICIENCIES" THAT DO NOT EVEN EXIST, RATHER THAN LIBERALLY CONSTRUCTING MR WARNER'S PLEADINGS AS THIS COURT'S PRIOR PRECEDENT REQUIRE AND RULE 8 INSISTS UPON JUDGE SEELEY SIMPLY IGNORED ALL OF PLAINTIFF'S FILINGS AND REFUSED TO ADDRESS EITHER HIS MERITORIOUS ALLEGATIONS OR THE APPLICATION FOR EMERGENCY TRO OR INJUNCTION AND TWO PETITIONS FOR EXPEDITED DECLARATORY JUDGMENT ALLOWING MR WARNER TO LINGER IN A PERPETUAL STATE OF IRREPARABLE INJURY.

THE 1972 MONTANA CONSTITUTIONAL DELEGATES CONSIDERED THE DURATION OF WHICH AN INSURED PARTY RECEIVED A REMEDY SO IMPORTANT THAT IT WAS INCLUDED TWICE IN ARTICLE II, §16 ALONE:

"... SPEEDY REMEDY AFFORDED... RIGHT AND JUSTICE SHALL BE ADMINISTERED WITHOUT DELAY."

THE GREAT WILLIAM GLADSTONE ASSERTED THAT "JUSTICE DELAYED IS JUSTICE DENIED." MR WARNER'S JUSTICE HAS BEEN DELIBERATELY DELAYED BY THE STATE OF MONTANA FOR MORE THAN FOUR YEARS NOW AND HE APPARENTLY IS NEVER TO RECEIVE HIS DAY IN COURT FOR THE WRONGS PERPETRATED AGAINST HIM.

ASIDE FROM MR WARNER NOT BEING REQUIRED TO PERSONALLY SERVE GIANFORTE AND A TYPOGRAPHICAL ERROR NOT BEING SUFFICIENT TO CAUSE HIS CLAIMS TO BE DISMISSED, PLAINTIFF PERFECTED SERVICE AND SERVICE OF PROCESS ON THE STATE.

TO THE EXTENT THAT THIS COURT HOLDS THAT MR WARNER WAS REQUIRED TO SERVE THE DIRECTOR OR THE DAS FOR HIS TITLE 2, CHAPTER NINE CLAIMS, HE MAINTAINS THAT MEA § 2-9-101(1) IS UNCONSTITUTIONALLY VAGUE:

"'CLAIM' MEANS ANY CLAIM AGAINST A GOVERNMENTAL ENTITY, FOR MONEY DAMAGES ONLY..."

THE PLAIN LANGUAGE OF THIS STATUTE REVEALS THAT ANY CLAIM MADE AGAINST A GOVERNMENTAL ENTITY FOR MONEY DAMAGES "ONLY" UNDER TITLE 2, CHAPTER 9 MUST BE SERVED ON THE DIRECTOR OF THE DAS, HOWEVER, MR WARNER SEEKS DECLARATORY AND INJUNCTIVE RELIEF AS WELL MAKING HIS CLAIMS NOT FOR MONEY DAMAGES "ONLY." THE LITERAL DEFINITION OF "ONLY" IS "SOLELY" OR "AND NO OTHER" AND IS SYNONYMOUS WITH "ALONE," WHICH MEANS THE DIRECTOR OF THE DAS MUST BE SERVED WITH CLAIMS FOR MONEY DAMAGES ALONE AND NOTHING ELSE ASIDE, WHICH WAS NOT THE CASE IN MR WARNER'S UNDERLYING PROCEEDINGS.

THE DAS HAS NEVER RESPONDED TO A SINGLE CLAIM THAT MR WARNER HAS PRESENTED IT WITH AND THERE IS NO DOUBT THAT IT WOULD HAVE DELIBERATELY EVADED JUDICIAL REVIEW EXACTLY AS THE STATE HAS, AFTER ALL, MR WARNER PRESENTED DIRECT EVIDENCE THAT HE DID SERVE THE DAS BY MAIL AND THEY SIMPLY IGNORED IT AS THEY ALWAYS DO. ABSENCE IF THE DISTRICT COURT HAD FULFILLED ITS LAWFUL DUTY UNDER RULE 4(d)(3)(D) THEN THE DIRECTOR OF THE DAS WOULD HAVE BEEN SERVED AS WELL AS THE STATE, HOWEVER, JUDGE SEELEY SEEMS CONTENT TO LET BOTH EVADE ANY KIND OF JUDICIAL REVIEW.

GIVEN THE EXPLANATIONS ABOVE AND ATTACHED EVIDENCE THIS COURT SHOULD VACATE THE FIRST JUDICIAL DISTRICT COURT'S ERRONEOUS FEBRUARY 16, 2024 ORDER GRANTING DEFENDANT'S RULE 12(B) MOTION TO DISMISS AND REMAND THIS CASE WITH STRICT INSTRUCTIONS TO ALLOW MR WARNER'S CLAIMS AGAINST THE STATE TO PROCEED AND IMMEDIATELY ADDRESS, ANALYZE, AND RULE UPON THE APPLICATION FOR EMERGENCY TRO OR INJUNCTION, MOTION FOR ORDER DIRECTING DEFENDANT TO PAY COSTS OF SERVICE AND BOTH PETITIONS FOR EXPEDITED DECLARATORY JUDGEMENT. DOC. 19, 22, 24, AND 26.

VII CONCLUSION

THIS COURT SHOULD NOTE AT THE OUTSET THAT MR WARNER HAS NO ACCESS TO STATE STATUTES, RULES, OR MONTANA CASE LAW, AT ALL, AND CANNOT COPY OR NOTARIZE THIS DOCUMENT - ALL CITATIONS USED HEREIN ARE EITHER AS PLAINTIFF REMEMBERS THEM OR COME FROM NOTES TAKEN WHEN HE HAD ACCESS TO MONTANA LAW.

MR WARNER SIMPLY WANTS A FAIR REVIEW OF THIS APPEAL AND THE UNDERLYING ISSUES HE FILED IN DISTRICT COURT TO BRING INTO THE LIGHT THE ABUSES INMATES SUFFER AT THE HANDS OF THE MDOC AT THE MSP AND ITS SATELLITE FACILITIES.

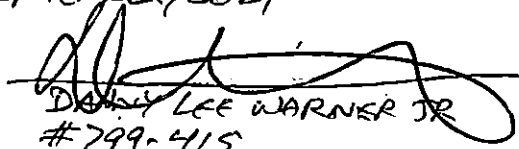
INDEED, ONE OF THE SIGNIFICANT STATEMENTS MADE BY THE DELEGATES OF THE MONTANA CONSTITUTIONAL CONVENTION (1972) IS THAT

"INCARCERATED PERSONS LOSE NONE OF THEIR HUMAN OR CIVIL RIGHTS WHEN CONVICTED OF A FELONY..."

THIS WAS THE PRECURSOR TO ARTICLE II, §28 AND WAS INITIALLY PART OF A PROVISION THAT WAS TO PRECLUDE PLACING INMATES IN SOLITARY CONFINEMENT; INDEED, DELEGATE KELLEHER (IN SPEAKING FOR INMATES) ASSERTED THAT "SOLITARY CONFINEMENT SHALL NOT BE GIVEN-AUTHORIZED AT ANY TIME... IT IS, INDEED, CRUEL AND UNUSUAL PUNISHMENT, EVEN FOR A SHORT TIME." MONTANA CONSTITUTIONAL CONVENTION, pg 18-46. WHILE THIS IS NOT NOW A CONSTITUTIONAL PROVISION IN MONTANA, THE LEGISLATURE PASSED MCA §53-30-700, et. seq. SPECIFICALLY TO ADDRESS SOLITARY CONFINEMENT IN RESTRICTED HOUSING UNITS AT MSP AND ITS SATELLITE FACILITIES, HOWEVER, THE MDOC/MSP HAS NOT FOLLOWED ANY OF THE POLICIES OR PROCEDURES IT WAS TOLD TO PUT IN PLACE AFTER THE ENACTMENT OF THIS STATUTE, INTENTIONALLY IGNORES THE MANDATORY LANGUAGE CONTAINED THEREIN, AND MR WARNER WANTED TO CHALLENGE THE WAY IN WHICH MCA §53-30-700, et. seq. IS APPLIED THROUGH THE UNDERLYING CASE BEFORE JUDGE SEELEY, BUT HAS THUS FAR BEEN DEPRIVED OF ANY JUDICIAL REVIEW; INDEED, MR WARNER WANTS TO CHALLENGE THE CONDITIONS OF CONFINEMENT AT MSP AS A WHOLE AND SHOULD BE ALLOWED TO.

TO GIVE THIS COURT AN IDEA OF WHAT MR WARNER INTENDS TO CHALLENGE IF IT ALLOWS HIS CASE TO MOVE FORWARD, HE INCORPORATES BY REFERENCE HIS VERIFIED COMPLAINT, VERIFIED AMENDED COMPLAINT, AND TWO PETITIONS FOR EXPEDITED DECLARATORY JUDGMENT HERE, AS THOUGH SET FORTH IN FULL AND RESPECTFULLY REQUESTS THIS COURT RULE ON THESE LAST IN THE INTERESTS OF JUSTICE. EITHER WAY, MR WARNER ASKS THIS COURT TO ALLOW HIS MERITORIOUS CLAIMS TO PROCEED TO TRIAL AND JUDGMENT AND IT SHOULD ORDER THE DISTRICT COURT TO DO SO IMMEDIATELY.

DATED THIS 17TH DAY OF SEPTEMBER, 2024


DANNY LEE WARNER JR

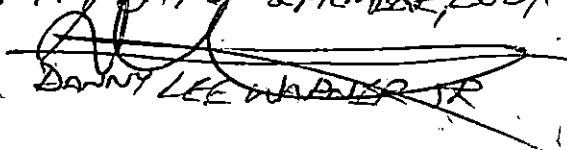
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P.O. BOX 788

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VERIFICATION

WHILE FEDERAL STATUTE IS IN NO WAY BINDING IN THIS COURT BECAUSE I HAVE NO ACCESS TO A NOTARY I OFFER THIS INSTEAD: I HAVE READ THE FOREGOING AND IT IS TRUE AND CORRECT UNDER PENALTY OF PERJURY PURSUANT TO 28. U.S.C §1746 DATED THIS 17TH DAY OF SEPTEMBER, 2024.


DANNY LEE WARNER JR