

U.S. Department of Justice  
Civil Rights Division  
950 Pennsylvania Avenue, N.W.  
Office of the Assistant Attorney General, Main  
Washington, D.C. 20530

December 8, 2015/Sept 20, 2017

Dear USDOJ:

Earlier three letters were sent for review. In the one letter, I show legals "connecting the dots wrong" by simply using David Funder's proof that I resigned as the basis of a protection order against me to obtain office space in 2011. In addition, Funder's proof bypassed internal procedures at the University of California and violated Regents Orders and University Bylaws including Bylaw 335. Tenured faculty cannot have an administrator fire a tenured faculty member. The correct procedure must go through committees on campus.

The temporary protection order (TPO), which preceded longer term protection orders signed pro-forma, made statements by the legals that I resigned. This is a false statement. In addition, I show the proof of Funder, specious. Professor David Funder's proof is both legally incorrect and wrong in computer security terms. The protection order itself was poorly constructed much like "goat hearing" to obtain the pages sent to UCOP for the lawyers to assemble and add legal rationale. There are two problems: 1) I did not resign and 2) the rationale was frivolous. For example, they do not include a copy of the resignation letter. Even if they did, a competent judge would have struck the order because it was not legally submitted, in-person, by my own decision, submitted voluntarily by me and with notarization and proof of a complete chain of custody for the resignation "claim". Moreover, the statements by the lawyers in rationale they add does not match a rationale that would be allowable in the civil code as a proper rationale for protection orders in the State of California. They use protection orders to 1) secure administrative decisions and 2) to terminate appointments at the University using the order for frivolous purposes.

Further, evidence of correction of an incorrect definition of "resignation" on their part can be found at a previous attempt in 2009-2010 to terminate my appointment found at <http://www.brettfleisch.com/9-8-10UCRDecision.pdf>. But the protection orders are being misused. A protection order with legally incorrect statements written by legals should not be the basis of convictions associated with violating a "protection order", as well. The protection order was frivolous and did not match the civil code in rationale for creation of the order; it thus is misuse (a felony) guided by incompetent lawyers. Violations of frivolous protection orders occur when arrests arise from "contempt of court" charges. In my case, Judge Moyner recused Frank Stanton Peasley and signed the order not in my presence. This violated my rights and the rules of Court. Moreover, since a judge appointed the public defender who declares doubts about my competency without looking over the order and its evidence, including a copy of the resignation, more time is wasted. I declared my attorneys at the public defenders office were incompetent in a Marsden motion the judge did not put into evidence/transcripts and properly consider in the RMH courtroom.

The FAQ on homages, which I believe shows violation of emeritus rights of the faculty is found at [www.brettfleisch.com/FAQ.pdf](http://www.brettfleisch.com/FAQ.pdf) These homages are a violation of faculty rights to secure space internally, when homages. The homages when placed in protection orders become illegal use of a "protection order" and a felony in the State of California. Although I prefer to think of this as an 18 USC 241 or 242 violation under 2nd ammendment rights, the State of California has state codes about protection order misuse to be reviewed.

The University Lawyers: Kulkarni, Robinson, Petrokokis, etc to have assisted in writing protection orders against University faculty which are largely frivolous and fails to match the civil code for protection orders. Even if a faculty member resigns, emeritus rights are curtailed with protection orders and a policy from the Office of the President about threatening behavior which is inapplicable when protection orders are misused in this way. I believe there is significant use of these homages as explained in my statement at [brettfleisch.com](http://brettfleisch.com) which has a short "Professor-Pelican brief" that indicates unethical construction leads to malfeasance.

Finally, I also believe the time I served in jail because of this does not match the time stipulated in the court room by my public defender's stipulation in transcripts of 340 days. In addition, a report ordered by Judge Johnson redone was never completed and left incomplete by the time I left the courtroom. My Marsden motion was created in custody so it is certainly very "green" by a lay-person; but can be found at [brettfleisch.com/Marsden.pdf](http://brettfleisch.com/Marsden.pdf). To appeal the misdemeanors it must have been considered in the Court room when I appeared my final time, discussed and adjudicated.

At the Federal level, a letter about reinstatement was sent to the White House. This was not answered despite the over three years of federal service and reinstatement rights explained at OPM. I sent in a large document which discusses the SF-50 missing time for all IPA employees in the United States that worked at NSF.

The Sylvia Spenser rebuttal of NSF decision under No Fear is explained in [www.brettfleisch.com/NSF1.pdf](http://www.brettfleisch.com/NSF1.pdf) and that dropped thru the discrimination cracks at NSF and the prohibited personnel issues at OSC. There should be two reinstatements at issue herein. These explained in my earlier letter(s). The letter addressed to Shaub at the Office of Government Ethics shows that office not upholding its earlier IPA memos and not responding to the complaints.

Sincerely yours,

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