

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

FILED UNDER SEAL

In re:
HERBERT S. MONCIER
BPR NO. 1910

**Respondent's Fed. R. Civ. P. 16 Request For Pretrial
Conference**

Pursuant to the practice set out in Fed. R. Civ. P. 16¹ to discuss the following matters:

1. Respondents motion objecting to the Court's jurisdiction, disqualification of the Court pursuant to 28 U.S.C. §§ 144 and 455, and for Trial by a Title III District Judge not under the supervision of the complaintant, Chief Judge Collier;

2. Respondents motion for this Court to abstain from hearing or ruling on the Show Cause Order until after the appeal in *United States v. Moncier*;

3. Respondents motion for a jury trial pursuant to the Seventh Amendment to the United States Constitution; Fed. R. Civ. P. 38; or, in the alternative Sixth Amendment to the United States Constitution;

¹ Respondent assumes that the Rules of Civil Procedure apply. If, however, they do not, Respondent suggest the practice is instructive as to the show cause proceeding.

4. Respondents objection and motion to revise the February 11 and February 13, 2008 Orders placing limitations on the EDTN LR 83.7(d) hearing;

5. Respondents motion for the Rules of Civil Procedure apply.

6. Respondents ability to discuss the Show Cause Order filed under seal and in confidence with potential witnesses to prepare for the hearing;

7. Respondents authority to use of subpoenas to compel the attendance of witnesses at the hearing;

8. Respondents authority to use of Fed. R. Civ. P. 45 subpoenas to obtain materials and exhibits;

9. Respondents authority to take depositions for "evidence" under EDTN LR 83.7(d);

10. Respondents authority to introduce affidavits as "evidence" under EDTN LR 83.7(d);

11. Respondents petitions for writs of habeas corpus ad testificatum for Mike Vassar and Mark Thornton;

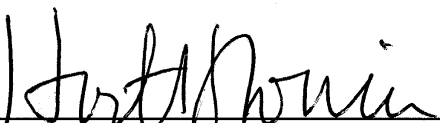
12. Respondents application to take depositions of Judges who have presided over Respondents' cases since November 17, 2006;

13. The timing of the foregoing and of the hearing.

Memorandum

Respondent was scheduled to begin the trial of *State v. John E. Young* wherein the defendant is charged with multiple counts of child rape in the Knox County Criminal Court on February 25, 2008. Counsel was in pretrial motions February 20, 21 and 22. Late Friday, February 22, Knox County Criminal Court Judge Kenneth Irvine ruled that because of late developing issues in *State v. Young*, the case was not ready for trial on February 25th and continued the trial. Hearings will continue on Monday February 25th in *State v. Young*. As a result, Counsel is now available beginning Tuesday, February 26th for a scheduling conference with this Court either by telephone or in Chattanooga at such time as the Court may have available.

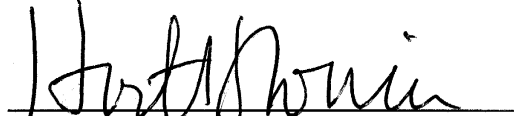
This 24th day of February 2008.


HERBERT S. MONCIER
Respondent

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BPR # 1910

Certificate

The undersigned certifies that on February 24, 2008, pursuant to the Court's directive, the foregoing Motion for Relief has been served only upon Geneva Ashby, Division Manager, 209 Joel. W. Solomon Federal Building and United States Courthouse, 900 Georgia Avenue, Chattanooga, TN 37402, by United States Mail, with proper postage thereon, to e filed under seal.

A handwritten signature in black ink, appearing to read "Herbert S. Moncier", written over a horizontal line.

HERBERT S. MONCIER

Respondent