NOTICE OF PRAECIPE AND NOTICE OF LIABILITY
Silence is acquiescence, agreement, and dishonor.
Notice to Agent is Notice to Principal, Notice to Principal is Notice to Agent.
Applicable to all Successors and Assigns

To: Val Hoyle
Representative for Oregon
1620 Longworth House Office Building
Washington, DC 20515

From: Rocky Diesel, Representative of We The People, man, Sui Juris, claiming all Rights, nunc pro tunc, coming in honor and good faith.

Notice to Respondents Libellees

It is not Claimant/Libellant's intention to harass, intimidate, offend, conspire, blackmail, coerce, or cause anxiety, alarm, or distress. This document is presented with honorable and peaceful intentions and is expressly for Respondent/Libellee's benefit to provide Respondent/Libellee with due process and good faith opportunity to cease and desist prior to causing harm or loss or state a verified claim with the intent that all Parties may be made whole.

Greetings Val Hoyle,

I am engaging in my duty as a member of We The People. It is incumbent on We The People to ensure our public servants and representatives meet all the requirements to be in office and to keep their Oaths of Office. Per *Ryder v. United States,* 115 S. Ct. 2031, 132 L. Ed. 2d 136, 515 U.S. 177, I am required to initiate a direct challenge to authority of anyone representing himself or herself as a government officer or agent, prior to the finality of any proceeding, in order to avoid implications of de facto officer doctrine. When challenged, those serving as government officers and agents are required to affirmatively prove whatever authority they claim. In the absence of proof, they may be held personally accountable for loss, injury, and damages. **The elected members of Congress are public servants of The People and have a fiduciary duty to The People.** Any breach of their fiduciary duty may constitute a refusal of office and could be grounds for removal from office, along with civil and criminal liability in their personal capacity, without protections of immunity.

You are formally requested to provide me through mail via the United States Postal Service (USPS) within twenty (20) business days from the date of receipt with your credentials and proof in writing, along with a statement made by you and signed by you personally in wet blue ink and witnessed, that you have met **all** the requirements to be in office as the law requires. This includes, but is not limited to, your timestamped Oath of Office and your personal fiduciary responsibility Bond information, so that I may exercise my right to attach your bond for damages, should you refuse to correct any trespass of rights or if you refuse to comply with this request for your credentials and statement, or chose not to keep your Oath of Office, or refuse your Office. Please ensure your complete and full response has appropriate tracking when sending. Given this information is fundamental to being in office, it should be readily available and should not take 20 business days to comply with this request.

Writs of **praecipe** (imperative of the Latin *praecipio* ("I order"), thus meaning "order [this]") are a widespread feature of the common law tradition, generally involving the instigation of some form of swift and peremptory action. **It has come to the attention of The People that members of Congress may have participated in a grave violation of rights further protected under the 5th Amendment of the U.S. Constitution through an unconstitutional "taking" of property, and in doing so may have also violated other laws. Failure to correct this could be a breach of duty and a breach of Trust. Immediate action is required by you and your colleagues to remedy this matter and avoid legal and lawful action.**

House Bill H.R. 8998 contains a potential trespass of The People's rights and a recurring unlawful taking is potentially being made. As stated on https://www.congress.gov/bill/118th-congress/house-bill/8998: **H.R.8998 - Department of the Interior, Environment, and Related Agencies Appropriations Act, 2025,** this bill provides FY2025 appropriations in part for the Department of the Interior, the Environmental Protection Agency (EPA), and several related agencies.

Status Tracker Introduced › **Passed House** › Passed Senate › To President › Became Law

Per the website Status Tracker above, **please note there is still time** to correct actions that I believe are unconstitutional by the House of Representatives and revise **H.R.8998**. This Notice of Liability is to every member of the Senate and House of Representatives regarding this matter in an effort to remedy **H.R.8998** from unconstitutional advancement without first being appropriately amended.

The issue: H.R.8998 still contains what I believe is an **unconstitutional moratorium** originally included in the Interior and Related Agencies Appropriations Act of 1994, specifically Section 112 of that Act, which prohibited the obligation or expenditure of funds for the acceptance or processing of applications for patents for any mining claims or mill sites under the Mining Law, or the issuance of new patents for any mining claims or mill sites. Effective October 1, 1994, Congress imposed a moratorium on spending appropriated funds for the acceptance or processing of mineral patent applications. This intentional annual defunding effect has resulted in three decades of ongoing deprivation of the claimant's right to convert the land containing the claimant's minerals into patented private property, conveyed with fee simple title, and further deprived the Citizen of the full enjoyment of his rights under law. **Conspiracy to Deprive a Right is a criminal felony under USC Title 18, Section 241.** Denying a claimant the ability to convert a mining claim on Public Land into patented land deprives him of his right to do so under the law, and instead, forces him to follow arduous, time consuming, very expensive processes, with no guarantee he will ever get a permit, complying with regulations which may not even be constitutional or enforceable given the recent U.S. Supreme Court rulings in *Loper Bright Enterprises v. Raimondo* 603 U.S. (2024), 144 S. Ct. 2244, *Relentless, Inc. v. Department of Commerce*, and *West Virginia v EPA* 597 U.S. 697 (2022), among others.

These combined actions and requirements effect an abuse of power and result in a severe negative economic impact on the claimant's private property and therefore constitute an unconstitutional "taking", which violates the protections afforded The People under the 5th Amendment of the U.S. Constitution. **USC Title 18, Section 242 criminalizes the intentional deprivation of a person's rights or privileges under the color of law.** The citizen's right to honest services is protected by federal statute 18 U.S.C. §1346, passed by Congress in 1988, which **criminalizes schemes to deprive someone of their "intangible right of honest services."** The U.S. Supreme Court made it clear in *Murdock v. Pennsylvania* 319 U.S. 105 (1943): **"No state shall convert a liberty into a license and charge a fee therefore."**

Background: The patent feature was first included in the Mining Law of 1866, 14 Stat. 86, and extended in 1870, 16 Stat. 217, before taking its basic current form in 1872, 17 Stat. 91. The Mining Law opens much of the "valuable mineral deposits in lands belonging to the United States . . . to exploration and purchase, and the lands in which they are found to occupation and purchase . . ." 30 U.S.C. Section 22. It also provides the miner

with the "exclusive right of possession and enjoyment of all the surface included within . . . [the] locations," and the right to extract minerals. 30 U.S.C. 26, 29. Ownership of a valid unpatented mining claim confers a possessory right in the land, but not fee title. **A patented mining claim, on the other hand, results in fee title passing from the government to the claimant.** The basic requirements for securing land patents are found in 30 U.S.C. Sections 29-30, 35, 37, and 42. Provided the claimant meets the requirements, it is the irrefutable right of the claimant to convert his granted mining claim of locatable minerals of the uncommon kind or variety **into patented land** under the Mining Laws of 1866, 1870, and the General Mining Law of 1872.

The Supreme Court has long acknowledged the central role of the Secretary in administering the public lands and resolving the rights of applicants to patent those lands. More than a century ago, the Court described the Secretary's role in the "important matters relating to . . . the issuing of patents" as **"the supervising agent of the government to do justice to all claimants and preserve the rights of the people of the United States."** Knight v. Land Association, 142 U.S. 161, 178 (1891) (pre-emption law case). **So long as the granted mining claim owner meets all the requirements, it is the fiduciary duty of elected Public Servants to keep their Oaths of Office and carry out their fiduciary duty to convert the Public Land in which that mining claim is located into a mining patent, conveying fee simple title to the claimant. Any attempt by any Public Servant to diminish, block or remove this right by whatever scheme or combination of actions that results in the violation of the claimant's rights and constitutes a "taking" without compensation still explicitly violates the protections guaranteed to the Citizen under the 5th Amendment of the U.S. Constitution.** *United States v Bishop* 412 U.S. 346 (1973) defines willfulness as "connoting the voluntary, intentional violation of a known legal duty."

Section 302(b) of Federal Land Policy and Management Act of 1976 (FLPMA) directs the Secretary of the Interior, by regulation or otherwise, to take any action necessary to prevent unnecessary or undue degradation of the public lands. **The Section 302(b)** mandate to "prevent unnecessary or undue degradation," however, **includes a savings clause providing that "no provision of this section or any other section of this Act shall in any way amend the Mining Law of 1872 or impair the rights of any locators or claims under that Act, including, but not limited to, rights of ingress and egress."** The defunding of mineral patent application processing has the direct effect of (1) depriving the right of the claimant under the Mining Law, and (2) causing economic harm to the claimant.

Substance over Form: The substance over form principle originated from the 1935 Supreme Court case *Gregory v. Helvering*, which states: "The substance over form doctrine applies when the transaction on its face lies outside the plain intent of the statute and respecting the transaction would be to exalt artifice above reality and to deprive the statutory provision in question of all serious purpose."

The Congress that enacted the Mining Laws of 1866, 1870 and the 1872 General Mining Law did not intend for these laws to be contravened and effectively rendered null and void repeatedly by members of future Congresses, abusing their power and abusing their office through voting to defund appropriated funds for the processing of applications to patent a mining claim and convey the fee simple title to the claimant. The original intent of Congress was clearly to motivate any Citizen willing to prospect on Public Lands and locate critical minerals needed for the National Defense, and in those efforts to settle the territories, with the benefit to the claimant of exclusive right to the located minerals and the right to convert those claims into his private patented property, in order to further secure the enjoyment of his life, at his sole discretion and risk, provided he met the requirements to do so. The plain language of the Mining Laws leaves no doubt of this. Any conclusion to the contrary is baseless.

Marbury v. Madison 5 US 137 (1803) **"A Law repugnant to the Constitution is void."**

Prayer: Correct the grave mistake that the House of Representative made in HR 8998 by (1) removing the moratorium contained in it which prohibits the obligation or expenditure of funds for the acceptance or processing of applications for patents for any mining claims or mill sites under the Mining Law, or the issuance of new patents for any mining claims or mill sites, and (2) immediately reinstating and approving the obligation or expenditure of funds for the acceptance or processing of applications for patents for any mining claims or mill sites under the Mining Law, or the issuance of new patents for any mining claims or mill sites in HR 8998.

The People reserve our right to pursue this matter with all lawful means to its lawful conclusion in any appropriate jurisdictions. Any hinderance to the full and lawful remedy and recourse of this matter may constitute interference in government processes and/or commerce. Given the urgency of this matter, any failure to respond in the timely manner prescribed herein with the initial request of objectively verifiable documentation of office will be deemed your tacit agreement that you do not have the requested proof of requirements to be in office, or that you are intentionally refusing to provide them, which could constitute a refusal of office and may result in a closure of office.

Please mail the requested information and correspondence in the requested format to:
Rocky Diesel
c/o Post Office Box 161291
Austin, Texas [78716]

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Respectfully,

Rocky Diesel
Representative of We The People