

**THIRD NOTICE OF LIABILITY and NOTICE OF TACIT AGREEMENT**  
**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: Shelley Moore Capito  
Senator for West Virginia  
170 Russell Senate Office Building  
Washington DC 20510

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 Shelley Moore Capito,

The People are entitled to accountable and transparent government. 18 U.S.C. §1505 prohibits the obstruction of a government process, and 42 U.S.C. §1983 provides for Civil actions for deprivation of rights. I have not received your required response to the initial Notice of Praecepte and Notice of Liability that was previously sent to you, or to the Second Notice of Praecepte and Second Notice of Liability. You are hereby formally given this Third Notice of Liability and Notice of Tacit Agreement. Please provide me with your complete bond information, or provide me with a written, notarized statement that you do not have one. We The People still require your credentials and proof in writing, along with a statement made by you and signed by you in wet blue ink and witnessed, that you have met all the requirements to be in office as the law requires. The People are entitled to those documents. Please complete and return the **Public Servant Accountability Agreement** and **Affidavit of Truth** original documents.

You may use the following QR Code to view and print copies of the information already sent to you.

For your convenience, a self-addressed stamped envelope (SASE) was enclosed in your previous Notice.  
**Please retain an appropriate copy of your completed, sent documents for your records.**

Please note that unless you have a verifiable record to show you have responded, you have currently exceeded Thirty (30) days in this administrative process from the time of your first Notice.



Your failure to respond timely, after having been given a Notice of Default with reasonable time and opportunity to cure is deemed your tacit agreement that (1) you cannot do so and therefore are not lawfully in office and you know that **impersonating a member of Congress is a crime that can result in a fine, imprisonment, or both**, or (2) you are intentionally refusing to do so, and therefore are willingly, knowingly and intentionally breaching your fiduciary responsibilities and refusing your office, **and that you understand this constitutes a refusal of office which can result in the removal of you from office**. If you are not lawfully in office, you must immediately meet the requirements to do so, and cease all activities related to this office immediately, until this is cured, or you must vacate.

A refusal of Office, and a willing and intentional act to deprive a right of a Citizen or participate in a conspiracy to deprive a right of the Citizen further protected under the U.S. Constitution, such as knowingly voting for an unconstitutional taking of property, which is a prohibited under the 5<sup>th</sup> Amendment of the U.S. Constitution, constitutes a breach of your fiduciary duty and a breach of your Oath of Office. 5 U.S.C. §3331 contains the required Oath members of Congress must make prior to holding office. 18 U.S.C. §1918 provides **penalties for violation of oath office** described in 5 U.S.C. §7311 which include: **(1) removal from office and; (2) confinement or a fine**. Federal law specifically prohibits any individual from accepting or holding any position (including elected office) in the United States Government if he advocates the overthrow of our constitutional form of government. 5 U.S.C. §7311 (1): "An individual may not accept or hold a position in the Government of the United States or the government of the District of Columbia if he (1) advocates the overthrow of our constitutional form of government..." 5 U.S.C. §3333 requires that members of Congress make and file an affidavit within 60 days after accepting their office, that they will not violate 5 U.S.C. §7311.

**5 U.S.C. §3332. Officer affidavit; no consideration paid for appointment**

An officer, within 30 days after the effective date of his appointment, shall file with the oath of office required by section §3331 of this title an affidavit that neither he nor anyone acting in his behalf has given, transferred, promised, or paid any consideration for or in the expectation or hope of receiving assistance in securing the appointment.

**18 USC Ch. 43: FALSE PERSONATION** §912. Officer or employee of the United States  
Whoever falsely assumes or pretends to be an officer or employee acting under the authority of the United States or any department, agency or officer thereof, and acts as such, or in such pretended character demands or **obtains any money**, paper, document, **or thing of value**, shall be fined under this title or imprisoned not more than three years, or both. (June 25, 1948, ch. 645, 62 Stat. 742; Pub. L. 103-322, title XXXIII, §330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

25 CFR §11.432 Impersonating a public servant: A person commits a misdemeanor if he or she falsely pretends to hold a position in the public service with purpose to induce another to submit to such pretended official authority or otherwise to act in reliance upon that pretense to his or her prejudice.  
It follows that:

1. Any actions taken by a person that is impersonating a government officer and not lawfully in office, such as voting on a Bill, are null and void.
2. Any monies or other benefits paid to a person that was impersonating a government officer must be recovered for The People, as taking such monies and benefits was done so under fraud and therefore constitutes unlawful enrichment.
3. Any criminal acts made by the person impersonating a government officer must be prosecuted to ensure The People have justice and lawful representation in government.

**We believe some of our public servants in Congress have been, and are, intentionally or unintentionally usurping our Rights.** Webster's Dictionary legal definition of "usurp":

: **transitive verb** to seize and **hold (as office, place, or powers)** in possession by force or **without right**  
: **intransitive verb**: to seize or **exercise authority or possession wrongfully**

We The People are aware of our Rights and responsibilities relating to Misprision of Felony and Misprision of Treason. We will transparently report and lawfully provide the appropriate information regarding criminal acts of this nature and others to the Federal Bureau of Investigation (FBI) and other appropriate officials as a matter of process unto settlement.

In a "Fifth Amendment" treatise, by Washington State Supreme Court Justice Richard B. Sanders, (12/10/97), he writes: "Our state, and most other states, define property in an extremely broad sense." That definition is as follows: "Property in a thing consists not merely in its ownership and possession, but in the unrestricted right of use, enjoyment, and disposal. Anything, which destroys any of the elements of property, to that extent, destroys the property itself. The substantial value of property lies in its use. If the right of use be denied, the value of the property is annihilated and the ownership is rendered a barren right".

**Prayer:** Immediately provide the proof you have met all the requirements to lawfully be in Office in the manner requested herein, and 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. **Please timely inform me of all actions you are taking or have taken to remedy this error in the manner requested herein, and through previous notice.**

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 manner prescribed herein with this third (3<sup>rd</sup>) 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]

Without Prejudice, All Rights Reserved UCC 1-308

Respectfully,

Rocky Diesel  
Representative of We The People