

FILED

DEC 28 2004

ROBERT D. DENNIS
U.S. DIST. COURT, WESTERN DIST OF OKLA.
BY _____ DEPUTY

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

United States of America

v.

Case No. 03-0050

**Glenn Stinson
Defendant.**

This is a Motion to Dismiss.

- 1. Evidence of fraud and racketeering was deleted from the Individual Master Files that the Internal Revenue Service maintains on Glenn Stinson and Naomi Stinson.**
- 2. All of the Internal Revenue Service files that were maintained on Glenn Stinson before the year 2000 were deleted.**
- 3. All of the Internal Revenue Service files being used as evidence against Glenn Stinson were created after the year 2000.**
- 4. Glenn Stinson and Naomi Stinson have never been involved in any activities that brought them into the jurisdiction of the Bureau of Alcohol, Tobacco and Firearms.**
- 5. GLENN H STINSON AND NAOMI A STINSON, nonliving persons, have never conducted or transacted any business in Oklahoma.**

**The court should dismiss this case against Glenn Stinson and Naomi Stinson for
the reason listed above**

AFFIDAVATE

I, Glenn Stinson was born in Oklahoma in 1926. I am an American Citizen and I have lived in Oklahoma all of my life. I have the mental and physical capacity to make this declaration under penalty of perjury that the above statements are true.

Glenn Stinson

To whom it may concern

In 1987 Naomi and I received Joint Notices of Deficiency for the years 1981, 1982 and 1983. We petitioned the tax court. And they ruled against us. We had kept all of our receipts for those years and I took them to Vincent Mesis, a local attorney and he filled out our 1040 forms for us. We had started farming and did not have income for those years. Mesis delivered the 1040s and copies to the Enid IRS Service Center. and Susan Henzel, a IRS employee signed received on the reverse of the copies.

The IRS continued to send us threatening letters. We went to the IRS Service Center and Wilber Eck and Henzel denied having received the 1040s. We went to Mesis office and he gave us the copies that Henzel had signed as received. Mesis and I made several phone calls to contact Mrs. Goff in the Oklahoma City service center but she refused to return our calls. We eventually were able to speak to Bill Specer in the OKC office. He asks us to bring the 1040 to him. We took the 1040s to Spencer but he would not sign received. We took our 1040's to Senator Boren office and they delivered them to the OKC service center. The next morning Bill Spencer was at my home demanding a financial statement from us.

I contacted an ombudsman in Washington and he arranged for us to take our returns back to the Enid Service and have them audited by Eck. We kept the appointment but Eck told us to come back in a week and he set a time and date. We kept that appointment but Eck put us off for another week. The next week when we arrived at the service center the doors were locked but we could see people inside. I went to the rear of the building and found a door unlocked I went through the building to the front door and unlocked it. I had brought a certified court reporter with us and I let him and Naomi in. We spoke to Mr. Eck for several minutes and Eck called Oklahoma City twice. All of this was recorded by the court reporter. Mr. Eck again refused to audit our returns and made another appointment for the next week. When we took our returns and our receipt back Eck said to leave them and come back in two hours. When I returned Eck said that everything was all right. I got my receipts and left.

I got Eck's report by FOIA. He said that my receipts were in such disorder that he couldn't audit them. The FOIA did not reveal any Notice of Deficiency, tax court petition or decision. I made four trips to Enid, broke into an IRS office to get an audit but never got one. I did prove that Substitute for Returns and Notices of Deficiency are pure fiction and that the District Director, A. K. Sawyer approved

them.

The Secretary has never Noticed me to keep books and records. I do not keep books and records and it would be impossible for me to prepare a valid 1040 return. The Internal Revenue Service doesn't keep books or records for me. It is impossible for a IRS employee to prepare a valid Substitute for Return for a direct tax on income for me. I am not engaged in an occupation that would make me liable for an impost, excise or duty. The Internal Revenue employees never have first hand information about me or me. Every IRS employee from Susan Henzel to the District Director and the tax court were involved in this racketeering in 1987.

We had acquired all of our Individual Master Files for the years 1984 through 1997. I requested the same IMF's again in the year 2000 and the disclosure officer replied that they were not required to furnish the same information twice. This admission confirmed that the original IMF's were there. A few weeks later I requested our IMF's again and was told that there was no information in my files. I requested again and received some information. I made another request for the documents under Document Locator Numbers and the disclosure officer replied that there were no documents under the DLN's. The IRS was maintaining Document Locator Numbers that did not contain documents.

The next FOIA's request for IMF's for the years for 1994 through 1997 were answered partially complete but with different information than the previous 1994 through 1997 IMF's. I had two sets of IMF' for the same years with different information.

Ms. Phillips took the information for her complaint from the former IRS files but the information from the latter was available to her six weeks before she filed the complaint.

Ms. Phillips and/or the IRS deleted the former IMF's. Any document or file that the IRS or Ms. Phillips has was created after the year 2000.

Ms. Phillips doesn't have the "Request for a Due Process Hearing" that she was to use to set back the Statute of Limitations. It is not in the IMF's

The court ordered me to respond with a proper answer to the complaint but I didn't know what a proper answer was so we contacted Mr. Bernhoft. Mr. Bernhoft said he had to have \$25,000 for a retainer and we agreed to try to raise that amount but could not raise more.

Mr. Bernhoft turned our case over to Mr. Christopher Ertl. It took us over a month to raise \$25,000 and we had raise it in small amount. Mr. Ertl called every few days until we had raised the retainer but for the next three weeks he would not return a phone call or fax. When he did call he said that Ms. Phillips had made a request to amend her complaint and that he had not opposed it. He had not contacted us

though Phillips had raised the amount of the complaint by several thousand dollars.

Mr. Bernhoft suggested we sell some property but Mr. Bernhoft knowledge of land values in Oklahoma was not in touch with reality.

Bernhoft made another suggestion that included selling some property after Ertl researched Oklahoma Homestead exemption Laws.

Ertl had started sending us hourly billing statements soon after Bernhoft turned our case over to him. He ignored our agreement with Bernhoft but instead of quitting when we ran out of money he called and said that he would hate to have to sue for legal fees. He asked us to sell something but eventually he realized he was kicking a dead horse.

We had never signed anything with Bernhoft law firm. Ertl called again and said that he could negotiate with Phillips and get the amount of money down if we would sign a document that would allow him to represent us. I asked him what he had found under the Oklahoma Homestead Exemption Laws. His answer was that he didn't like it but he would not say why. My personal belief is that he had forgotten about it and never researched it. He could not make it clear that he had a point to negotiate from and this was the same person that said that he would hate to sue us for legal fees and wanted us to sell something. He had made it clear that he couldn't work for nothing. He was going to get his money from somewhere and we were the only one with property on the table. The only way he could get paid was with my assets that the court could give him. I recorded our conversations with Ertl

When my attorney can be bought by the court then I am deprived of legal assistance and nothing can be gained by finding another.


Glenn Stinson

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