

ALLEN McCLOSKEY



January 18, 2022

Humboldt County Board of Supervisors
And Humboldt County Sheriff's Department and Humboldt Co. DHHS
Attention: William Honsal; Connie Beck;
826 4th Street
Eureka, CA 95501

RE: Notice of Intent to Pursue Civil Litigation Against Humboldt Co. Departments, et., al.

Dear Team Humboldt:

This letter shall serve as the required legal notification under the laws of the State of California, that I fully intend to direct my resources and legal counsel to file claims for damages for the excessive force, wrongful arrest, defamation, retaliation, police misconduct and the excessive trauma and irreparable harm perpetrated against me and mine at the hands and actions/inactions of your respective agents. Please note that every opportunity was extended to your Representatives to Cease and Desist and yet they persisted and deliberately exercised complete disregard for the "Spirit of the Law" and instead pursued a position and posture that intentionally deprived my home of the rights and protections afforded it by State and Federal and Tribal Law.

I need to attend to a few legal housekeeping statements; by this correspondence, I hereby give notice to the Department(s), Department Head(s) and your collective-GOVERNING body, commonly referred to as the Humboldt County Board of Supervisors that I am seeking all records relating to me and mine. For purposes of this request, the term "records" shall have the statutory definition set forth by California Law and not that of the Hoopa Valley Tribe, the Yurok Tribe or any other tribal body or agency by which your Departments and Deputies might wish to "attempt" to assert false-authority. Now, by chance you contend that I do not have right to public documents or Department Documents relating to me and mine, your Department(s) and Department Head(s) has a duty not to dispose, alter, or otherwise destroy such records, pursuant to the laws of the State of California.

1 See Duro v. Reina, 495 U.S. 676, 685 (1990) ("A basic attribute of full territorial sovereignty is the power to enforce laws against all who come within the sovereign's territory, whether citizens or aliens. Oliphant [v. Suquamish] recognized that tribes can no longer be described as sovereigns in this sense.")

2 Oliphant v. Suquamish, 435 U.S. 191, 208 (1978).

3 Id. (emphasis in original; internal quotations omitted).

4 United States v. Wheeler, 435 U.S. 313, 326 (1978).

5 Id. This is not an absolute rule. This report discusses the limited exceptions to it at pages 4-10.

6 435 U.S. 191 (1978).

7 450 U.S. 544, 565 (1981). In Montana, the Court considered whether the Tribe had jurisdiction to enforce its hunting regulations against nonmembers hunting on non-Indian fee land located within the Tribe's reservation.

Specifically, this request is for all records made, received or compiled during the course of any investigations of me and mine, including but not limited to, hard copy and electronic communications.

This request also includes, but is not limited to, any audiotape, videotape, computer database searches, visual or audio surveillance, electronic documents, including emails, text messages, in-car messaging data, GPS tracking data, in-car video data, analysis of traffic, analysis of database queries, reports, notes made, received compiled or texted during the course of any investigation of me and mine.

Through discovery requests, I fully intend to obtain from your Department(s) a number of documents and things, including electronic records on cell phones and documents stored on county computers and computer storage media. As part of my initial discovery efforts, I fully intend to serve the County and its Agents with *interrogatories and additional requests* for documents and things.

Accordingly, I must request that your office ensure the preservation and not destroy, conceal, or alter any paper or electronic files and other data generated by or stored on the Department(s) (County) computers and storage media (e.g., hard disks, floppy disks, back-up tapes) or any other electronic data such as voicemails and text messages. As you know, failure to comply with this can result in sanctions being imposed by the Court(s) for spoliation of evidence or potential evidence.

In order to avoid spoliation, you will need to preserve and make available the data requested and on the original storage media, or on exact copies of that media (sometimes referred to as images copies or evidentiary copies). Do not reuse any media to provide this data. Electronic documents and the storage media on which they reside contain relevant, discoverable information beyond that which may be found in printed documents. Therefore, even where a paper copy exists, I seek all documents in their electronic form, along with information about those documents contained on the media. I also seek paper print outs of only those documents that contain unique information after they were printed out (such as paper documents containing handwriting, signatures marginalia, drawings, annotations, highlighting and redactions) along with any paper documents for which no corresponding electronic fields exists.

My discovery requests will ask for certain data on the hard disks, floppy disks and back up media used in your computers and electronic devices, some of which data are not readily available to an ordinary computer user such as “deleted” files and “file fragments” As you may know, although users may “erase” or “delete” a file, all that is really erased is a reference to that file in a table on the hard disk. A “deleted file” can be as intact on the disk as any active file you would see in a directory listing.

1 See *Duro v. Reina*, 495 U.S. 676, 685 (1990) (“A basic attribute of full territorial sovereignty is the power to enforce laws against all who come within the sovereign’s territory, whether citizens or aliens. *Oliphant [v. Suquamish]* recognized that tribes can no longer be described as sovereigns in this sense.”) 2

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Courts have made it clear that all information available on electronic storage media is discoverable whether it is readily readable (active) or deleted but recoverable. Accordingly, the County and your department are uniquely obligated to preserve and not destroy all passwords, decryption procedures including software to decrypt the files, network access codes, I.D. names, manuals, tutorials, written instructions, decompression or reconstruction software, and any and all other information and things necessary to access, view and, if necessary, reconstruct the electronic data I would be requesting through eventual discovery.

In order to assure that the County's legal obligations are met in the preservation of documents and things, please forward a copy of this letter to all person(s) and entity(s) with custodial responsibility for the various forms of data referenced in this letter.

I would hope that after your own thorough review of the facts and a review with your own Deputies and Department Heads you will come to a collective realization that your "agents" overstepped, as indicated by their own admission(s) and acknowledgment(s), that they allowed their own rattled fragility to sway their enforcement of law and policy, that they erred in using unlawful force at times and did on more than one occasion illegally place me under arrest and did also deliberately detain me and remove from me all liberties without first establishing cause and in keeping with the spirit of the law, investigate and *establish criminal intent* or any *level of willful misconduct* before establishing *actual criminal actions* but rather hastily assumed and filled in all the blanks, which resulted in my immediate arrest and the subsequent unprecedented terrorization of me and mine by the Humboldt County Sheriff Department and its multiple agents and a myriad of unprecedented police presence including DEA, animal control, drug sniffing K-9 units and illegal breaking-and-entering into that the home of my 82 year old neighbor which was unequivocally un-authorized by the hasty warrant that was rubber stamped by your Court Justice who works closely with your Sheriff but also the same Court Justice who signed off on a myriad of nonsensical and retaliatory ex-parte' orders for your now "*liable*" County Department(s) 'acting-agents'.

Thank you kindly for your attention to this most pressing matter and your attendance to the County of Humboldt's legal requirement(s) to comply.

Regards,

Allen Donald McCloskey

Allen McCloskey

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