

Judicial Council of the FIRST Circuit**COMPLAINT OF JUDICIAL MISCONDUCT OR DISABILITY**

To begin the complaint process, complete this form and prepare the brief statement of facts described in item 5 (below). The RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, adopted by the Judicial Conference of the United States, contain information on what to include in a complaint (Rule 6), where to file a complaint (Rule 7), and other important matters. The rules are available in federal court clerks' offices, on individual federal courts' Web sites, and on www.uscourts.gov.

Your complaint (*this form and the statement of facts*) should be typewritten and must be legible. For the number of copies to file, consult the local rules or clerk's office of the court in which your complaint is required to be filed. Enclose each copy of the complaint in an envelope marked "COMPLAINT OF MISCONDUCT" or "COMPLAINT OF DISABILITY" and submit it to the appropriate clerk of court. **Do not put the name of any judge on the envelope.**

1. Name of Complainant: Jonathan A. Clemens
 Contact Address: 412 Dockway Drive
Huron, OH 44839

Daytime telephone: (360) 301-5133

2. Name(s) of Judge(s): Douglas P. Woodlock
 Court: US District Court (Boston, Massachusetts)

3. Does this complaint concern the behavior of the judge(s) in a particular lawsuit or lawsuits?
 Yes No

If "yes," give the following information about each lawsuit:

Court: _____

Case Number: _____

Docket number of any appeal to the _____ Circuit: _____

Are (were) you a party or lawyer in the lawsuit?

Party Lawyer Neither

If you are (were) a party and have (had) a lawyer, give the lawyer's name, address, and telephone number:

COMPLAINT OF JUDICIAL MISCONDUCT OR DISABILITY

4. Have you filed any lawsuits against the judge?

Yes No

If "yes," give the following information about each such lawsuit:

Court: _____

Case Number: _____

Present status of lawsuit: _____

Name, address, and telephone number of your lawyer for the lawsuit against the judge: _____

Court to which any appeal has been taken in the lawsuit against the judge:

Docket number of the appeal: _____

Present status of the appeal: _____

5. **Brief Statement of Facts.** Attach a brief statement of the specific facts on which the claim of judicial misconduct or disability is based. Include what happened, when and where it happened, and any information that would help an investigator check the facts. If the complaint alleges judicial disability, also include any additional facts that form the basis of that allegation. 5 PAGES

6. **Declaration and signature:**

I declare under penalty of perjury that the statements made in this complaint are true and correct to the best of my knowledge.

Signature:  Date: 17 MARCH 2015

STATEMENT OF FACTS

Judge Woodlock presided over a sentencing hearing on Friday January 13, 2012 in US District Court in Boston, involving Defendant Jeffrey L. Clemens (Mr. Clemens) and Case No. 1:10-cr-10124-DPW-1.

Present at the said hearing were Judge Woodlock, AUSU David G. Tobin, attorney Stephen C. Pfaff, defense counsel Ian Gold, a court clerk, an unnamed and possible probation officer (woman, seated in the restricted area in front of the public seating area and near the Defendant), several Court Security Officers, the parents of Mr. Clemens, and the undersigned brother of Mr. Clemens.

Pleadings by Mr. Clemens had identified a medical condition involving Mr. Clemens, for which a biopsy was or was to be scheduled, and for which Mr. Clemens had requested a continuance. The undersigned saw for the first time, on 1/13/12, an obvious growth in the vicinity of Mr. Clemens' thyroid gland. The undersigned was not allowed to communicate with Mr. Clemens.

Judge Woodlock bore eye witness to a takedown of a HANDCUFFED Mr. Clemens by at least one of three nearby Court Security Officers (CSO's) in open court on Friday January 13, 2012. CSO's continued to lay on top of Mr. Clemens – lying face down on the floor – bending Mr. Clemens' limbs and ignoring his pleas of pain and cooperation. Judge Woodlock did nothing to stop the Use of Force, sitting quiet and near motionless. There was no cause for the takedown – Mr. Clemens was merely standing and was not physical, was not belligerent, and was not even talking at the time. Such incident of Use of Force was videorecorded.

Judge Woodlock bore ear witness to (i.e., heard but did not see) a second physical altercation between CSO's and Mr. Clemens moments after the first, occurring in the adjoining hallway, and for which can be assumed to be a Use of Force. Cries of pain and pleas by Mr. Clemens were heard by the undersigned in the open court, through the wall of the court room. Judge Woodlock did nothing to stop the Use of Force. Such hallway incident was videorecorded, as evidenced by two cameras mounted in the hallway.

Judge Woodlock, a bit of time later, after the two Use of Force incidences, was told by a CSO that Mr. Clemens had "calmed down"...the statement of which was audible in the court room and heard by the undersigned. A short while later, Judge Woodlock had found and declared in open court that NO use of excessive force had occurred, despite no one in the court room (and in particular not Mr. Clemens' counsel – Ian Gold) alleging Excessive Force. Mr. Woodlock's claim of no excessive force is plainly unsupported by the fact that Mr. Woodlock did not eye witness the second use of force incident in the hallway. Mr. Woodlock had not stated that he had seen a videorecording of the second incident. Judge Woodlock had not described or given facts of any disruption by Mr. Clemens. [One might ask, when did the CSO's "calm down"?]

The involved CSO's later wrote reports of their Use of Force. Through a Freedom of Information Act request, the undersigned had acquired (over 11 months after the incidents) the associated Use of Force

Reports. The CSO written accounts are plainly discrepant with the videorecording of the court room incident, describing supposed actions by Mr. Clemens that were clearly not on the videorecording. The US government denied the undersigned's request for the hallway video, citing a law enforcement exemption, despite turning over the open court video. Cries and pleas sounded the same in both incidences. Mr. Clemens has described to the undersigned, and stated in sworn statements (possibly submitted to the Court and certainly to other authorities), how a CSO pushed out his feet, causing Mr. Clemens to abruptly fall on his knees. Mr. Clemens has described to the undersigned that he stated to the CSO's that he had recently broken his shoulder and that the CSO's were causing him pain, after which the CSO's continued their Use of Force.

A list of (over 10 distinct) injuries resulting from the Use of Force have been submitted in pleadings to Judge Woodlock by Mr. Clemens, and they include bruises, sprains, hyper-extended joints, and cuts. Mr. Clemens was examined after the incidents by medical officers at Wyatt Detention Center, who noted the same injuries identified to the court, by Mr. Clemens, and more.

Following the second Use of Force incident in the hallway, Mr. Clemens was placed on a wheelchair, his shoe (which had come off during the Use of Force) was thrown on his lap, and was left for tens of minutes to perhaps over an hour, unattended by any medical personnel whatsoever.

Later in the day of January 13, 2012, Judge Woodlock in open court suggested that Mr. Clemens may be charged with Criminal Contempt and assigned counsel (Mr. Griffin) to Mr. Clemens. Judge Woodlock stated no facts to support such a charge. Because of such assignment, Mr. Clemens lost communication with his existing counsel (Ian Gold) and lost possession of his paperwork relevant to the hearing (and his never realized discussion thereof concerning issues with the case) and relevant to a pending medical matter.

Judge Woodlock continued the hearing until January 25th, 2012. Neither the undersigned nor the family of Mr. Clemens, nor Mr. Clemens himself, were notified of the change of hearing date to an earlier date of January 18, 2012, disallowing the presence of Mr. Clemens' family at the sentencing hearing AND disallowing the inclusion of paperwork that Mr. Ian Gold had mailed to Mr. Clemens at Wyatt and had not yet arrived. So, a continued hearing was made void of Defendant paperwork and family witnesses by Judge Woodlock. [Who would have witnessed further Uses of Force by CSO's? – other CSO's? the Judge? Attorneys? - certainly not the Media, as an opportunity to inform or invite the press had been precluded. AND, why was the family of Mr. Clemens precluded as witnesses and prevented from testifying at his sentencing, especially after such prejudicial and physically harming acts by court personnel, after false allegations against Mr. Clemens by AUSA Tobin in open court and false statements by attorney Pfaff against the undersigned's website? – the record of proceedings will show Mr. Pfaff referring to a website for which Mr. Clemens had nothing to do with its existence or contents, as Mr. Clemens clarified later in open court, and as the undersigned will attest.]

Minutes prior to the aforementioned first Use of Force incident, Assistant US Attorney David Tobin – *whom Judge Woodlock, in the course of the criminal proceedings against Mr. Clemens, had not held to*

account for ethical misconduct alleged by the undersigned – in Docket Document 52 in early 2011 and alleged separately by Mr. Clemens, prior to the trial in May 2011 – accused Mr. Clemens of a crime for which Mr. Clemens was never charged or tried [for an apparent attempted arrest originally made by a police officer in Massachusetts ten years earlier after a pullover for an inoperative headlamp and after pulling Mr. Clemens out of his car through the officer-smashed-out driver window – resulting in a bludgeoned Mr. Clemens and a resisting arrest charge, NOT a charge for which Mr. Clemens was apparently but not clearly being arrested for...an officer working the same agency and jurisdiction as a John Gibbons at the time (2002)...the same John Gibbons serving as US Marshal, and serving as the “boss” of the involved CSO’s described herein, for the US District Court for Massachusetts (in 2012) at the time of the two Uses of Force incidents.]

The CSO reports of the Use of Force incidents refer to the aforementioned uncharged/untried crime* alleged by (or more accurately, stated as if a fact by) AUSA David Tobin as having been a factor in their Use of Force. [Where the undersigned comes from...honest living and growing up in the Midwest...accusing someone of a crime for which he was never tried or charged, and knowing that the accusation is false, and doing so as a US attorney in open court in an attempt to defame someone, is an ethical violation of the sworn oath of such person...the same such person whom Judge Woodlock conveniently and disingenuously steered away from accountability for other unethical conduct.]

* The crime? Assault With a Deadly Weapon – Automobile – against a police officer, stated by AUSA Tobin in open court on January 13, 2012. MSP officer Jeffrey Roberts arrested Mr. Clemens in January 2002 after an associate issued a citation for an inoperative head lamp (actually an intermittent wiring problem, not a faulty lamp) AND issued a Failure To Yield citation. Mr. Clemens informed MSP officer Brian Pearl, while at the MSP Russell Barracks, that he would be discussing the Failure To Yield citation with his supervisor the next day, and was then pursued, pulled over, dragged through the driver window, was bludgeoned (requiring stitches), and arrested. What followed? – Mr. Clemens attempted via Discovery to get the videorecording by the camera clearly visible at the MSP barracks where Mr. Clemens had supposedly tried to run over an officer, i.e., attempted to obtain the recording of the alleged crime of assault, to no avail. This is a problem, considering that Mr. Clemens was charged with Resisting Arrest and NOT for Assault. Resisting WHAT Arrest, Assault? The parallel to the Use of Force in 2012 and the attempts to cover up such Use of Force, *by insinuating a disruption by Mr. Clemens and withholding video proof to the contrary, as the hallway videorecording is currently withheld on a claim of law enforcement exemption from FOIA*, is apparent to the undersigned.

Mr. Clemens did have a biopsy of his thyroid gland after the January 18, 2012 sentencing, but was moved to a federal prison before hearing or seeing the results of such biopsy. It was to be over a year – and surgery for a supposed benign goiter removal – before learning that the goiter was malignant cancer. In the weeks after Judge Woodlock’s sentencing of January 18, 2012, Mr. Clemens began, just weeks after sentencing, what was to be multiple requests for medical information about his January 2012 biopsy, to no avail. Mr. Clemens, despite having his thyroid removed, was denied thyroid medication for at least 15 of 18 months, resulting in chronic fatigue and exposure to further cancer risk by the hyperactivity of the pituitary gland caused by a lack of thyroid medication.

Judge Woodlock denied Mr. Clemens adequate counsel in the aforementioned criminal case, especially in an April 2011 (pre-trial) ruling that gave Mr. Clemens a false option: either represent himself OR use only Ian Gold as counsel. Mr. Clemens had repeatedly attempted to rid Mr. Gold for a multiple of reasons, including Gold's insistence on Mr. Clemens having a mental disorder, but mainly because of simple inexperience and incompetence on the part of Mr. Gold. Mr. Gold had zero trial experience at the time. After all, it is the right of Mr. Clemens to have court-assigned counsel that is also competent.

Judge Woodlock sentenced Mr. Clemens to (the maximum) 60 months in prison (when guidelines said 12 to 18 months, as Ian Gold stated to Mr. Clemens pre-sentencing) for wishing Mr. Pfaff were dead, a man unethically and directly responsible for illicit harm against Mr. Clemens. Sentencing in this matter is outrageous because it calls to question why the Kansas City US Attorney Office recommended ZERO prison time for a Republic Airlines Pilot (Mr. Walker), who had literally stated an intention to kill and sexually mutilate the CEO and his family, and received zero prison time, while a civil plaintiff turned criminal defendant (Mr. Clemens), with Judge Young's direct help, and a mere wish for the so-called victim to be dead (and NOT further causing harm to Mr. Clemens – despite launching a lawsuit against the man) gets 60 months. Such sentence came on the heels of the Use of Force incidents and apparent cover up described herein, indicating a lack of honesty on the part of Judge Woodlock and a lack of concern for the health, welfare and rights of Mr. Clemens.

Judge Woodlock basically has given a license for law enforcement to abuse the rights of citizens and to find refuge in not having to be held accountable. Hello Cleveland, Ohio and 137 bullets from police into the car of unarmed suspects. Hello Cleveland, Ohio again and bullets from a police officer into a non-violent child in a park. Hello Ferguson, Missouri and fatal bullets from police into an unarmed black man. Hello New York City, New York and fatal chokeholds on unarmed, non-violent citizens. Hello America. Hello Judge Woodlock's America!

If ever there should be respect for the US Constitution, it should be in the halls of the federal courts whose names begin with "United States..."

When Judge Woodlock made a finding of No Excessive Force and intimated a potential charge of Criminal Contempt against an innocent victim – Mr. Clemens, he fostered the false reporting and perjury of the Court Security Officers involved in the Use of Force incidents.

When Judge Woodlock disregarded the pleadings for help with a defendant's medical issues, and facilitated a years-long denial of proper medical care, wrapped in an inhumane and dishonest 60 month prison sentence, he violated the rights of Mr. Clemens, AND, he violated his own solemn oath as a judge.

Judge Woodlock gave us bias, prejudice, a lack of independence, a lack of fairness, and a lack of appearance of propriety.

Judge Woodlock gave the Deputy US Marshals – aka Court Security Officers – the license to be thugs and commit perjury. Contrary to his oath, he also sanctioned unethical attorney conduct, almost as if there were a culture of dishonesty in the legal profession already sanctioning it. Is there such a culture? One can read and fact check the March 16, 2010 FBI Complaint against Mr. Clemens, watch the court videos of the Use of Force incidents, and read the associated Marshals Use of Force reports and come up with his or her own conclusions.

This criminal matter against Mr. Clemens, presided over by Judge Woodlock, stemmed directly from a civil lawsuit (1:09-cv-11821-WGY) against the so-called victim Stephen C. Pfaff, the Town of Scituate, and others. In particular, it stemmed from a communication within the course of the litigation. But, it was this criminal matter that gave pre-textual cause to Judge William G. Young to dismiss the civil lawsuit with prejudice, as Judge Young specifically stated in open court on April 1, 2010 that he was not addressing the merits of the civil lawsuit for his dismissal, as observed personally by the undersigned.

It is perhaps not coincidental that Judge Young was assigned to the lawsuit (1:13-cv-13084-WGY) against the US Marshals involved in the Use of Force incidents cited herein, wherein Judge Young dismissed the civil lawsuit on grounds of sovereign immunity, preventing the release of videorecordings through the discovery process. The withheld videorecordings are exonerative for Mr. Clemens and indicting for the Deputy US Marshals, aka, Court Security Officers, engaged in excessive use of force against Mr. Clemens.

It is perhaps not coincidental that Judge Young granted a Pfaff motion in the underlying civil lawsuit (1:09-cv-11821-WGY) to expand the record of appeal to include documents not in the District Court record and not applicable to the issues the civil plaintiff-appellant raised on appeal, but records of which are prejudicial against Mr. Clemens, and for which Mr. Clemens never had a chance to address properly in the lower court. The civil appeal was dismissed because of the unconventionally expanded record allowed by Judge Young, while the issues raised on appeal go unaddressed, as can be deduced from the appellate decision. Such issues allude to conduct issues on the part of Judge Young, including how he had made a criminal allegation against Mr. Clemens on March 9, 2010 without citing any facts to substantiate such allegation, even failing to cite the subject email of this criminal matter. Judge Young had issued a Show Cause Order to Mr. Clemens on March 9, 2010 without allowing Mr. Clemens a basis or issue from which to show cause!

It is the First Amendment right of Mr. Clemens to sue those who have injured him. It is not the job of the US Courts to heap burden upon burden, prejudice upon prejudice, on a citizen seeking justice and, if it even mattered to the courts, the truth.

I declare under penalty of perjury that the statements made in the Statement of Facts above are true and correct to the best of my knowledge.

[See Original at 1st Circuit]
(Signature) _____ (Date) _____
Jonathan A. Clemens (Huron, OH)



UNITED STATES COURTS FOR THE FIRST CIRCUIT
OFFICE OF THE CIRCUIT EXECUTIVE
JOHN JOSEPH MOAKLEY UNITED STATES COURTHOUSE
1 COURTHOUSE WAY - SUITE 3700
BOSTON, MA 02210

SUSAN J. GOLDBERG
CIRCUIT EXECUTIVE
617-748-9614

FLORENCE PAGANO
ASSISTANT CIRCUIT EXECUTIVE
617-748-9376

March 31, 2015

Jonathan A. Clemens
412 Dockway Drive
Huron, OH 44839

Re: Complaint No. 01-15-90012

Dear Mr. Clemens:

Your complaint(s) of judicial misconduct against Judge Woodlock has been received and shall be processed in accordance with the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

Sincerely,

A handwritten signature in blue ink, appearing to read "F. Pagano".

Florence Pagano