

Henry-Dale; Goltz and
Evangelina-Salinas; Goltz
Sovereign American Citizens

Lodgment
Into the
DISTRICT COURT of the UNITED STATES
For the
WESTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA)	
)	
Petitioner)	
)	
-against-)	No. SA-06-CA-0503-XR
)	
Henry-Dale Goltz)	
Evangelina Goltz)	
Defendants-in-error)	

REPLY TO PLAINTIFF'S RESPONSE TO
MOTION FOR RECONSIDERATION OF ORDER

COMES NOW Defendants-in-error, Henry-Dale Goltz and Evangelina-Salinas Goltz (Goltzes), Sovereign American Citizens by reason of Alienage and Domicile, which Domicile is located within the confines of the defined *geographic, legislative jurisdictions* possessed solely and exclusively by the republic of *Texas*, being one of the fifty (50) independent republics that together and combined form the Federal-Republic known and referenced most commonly as the *United States of America*, and **moves** this Honorable Court, mindful of its Constitutional Duties and Obligations owed to *Sovereign American Citizens*, and on the basis of its Presiding Officer and all attending Officers of the Court, constantly and continuously aware of their sworn Oaths of Office, in any and all proceedings before this Honorable Court, to **read this MOTION in Reply to Plaintiff's Response, review the Motion for Reconsideration filed by Defendant's-in-error on December 26, 2006, and Reconsider its ORDER dated 12 December 2006** to exercise and respect the **Constitutional Due Process** of the named Defendants-in-error.

Plaintiff makes the following misleading and erroneous statements in its Response to Defendants'-in-error **Judicial Notice and Motion for Reconsideration of Order:**

1. Plaintiff quotes *EEOC v HB Zachary Co.*, 1988 WL 156331, *3 (W.D. Tex. 1988) (citing *Backlund v. Barnhart*, 778 F.2d 1386, 1388 (9th Cir. 1985), stating

“[a] motion for reconsideration that presents no arguments that have not already been raised should be denied.” That may be an appropriate cite, if the “arguments” that were raised had been properly and completely addressed. Those arguments have **NOT** been addressed. Defendants-in-error demand that the challenge to geographic (territorial) jurisdiction be addressed by the Plaintiff and ruled on by the Court with Findings of fact and Conclusions of law. To date, geographic (territorial) jurisdiction has not been proven with law or evidence.

2. Plaintiff quotes *Waltman v. Int'l Paper Co.*, 875 F.2d 468, 473 (5th Cir. 1989), saying that a party may file a motion for reconsideration “to correct manifest errors of law or to present newly discovered evidence.” Plaintiff has committed “manifest errors of law” which must be corrected by the Court if justice is to be served. Defendants-in-error demand that Plaintiff produce a “valid, legal, assessment” based on a Return, and produce the Return on which the “valid, legal, assessment” is based. Plaintiff has never addressed this basic requirement documented in Title 26 of the Code of Federal Regulations at 301.6203-1. Rather, Plaintiff resorts to printouts of computer files. Plaintiff has never proven that the data contained in the Plaintiff’s computer files fairly and accurately represented the input documents allegedly used to create the computer files and the ensuing computer printouts. The “certification” of the printouts (Form 4340) being an accurate representation of the data contained in the Plaintiff’s computer files **IS NOT** a certification of the data in the computer files as being an accurate representation of an assessment. To date, the matter of a “valid, legal, assessment” has **NOT** been addressed by the Plaintiff or this Court.
3. Defendants did produce new evidence (“newly discovered evidence”) and offered it under oath in its Motion for Reconsideration. That evidence was contained in the sworn Affidavit of Truth and attached to the Motion for Reconsideration. That evidence would have been submitted during a Constitutional Due Process hearing that was justly anticipated by the Defendants-in-error. That evidence included copies of the tax returns produced by Defendants-in-error. They represented the self-assessments. If the “assessments” manufactured by the Plaintiff were not based on those returns, then the “assessments” were **NOT** valid and legal.
4. Plaintiff quotes *RTC v. Holmes*, 846 F.Supp. 1310, 1316 (S.D. Tex. 1994), saying that motions for reconsideration are not “the proper vehicle for rehashing old

arguments” Defendants-in-error are not “rehashing old arguments”. The arguments and evidence presented by Defendants-in-error in prior pleadings have **NOT** been addressed by this Plaintiff or this Court, and therefore must be considered to be “new arguments” and “newly discovered evidence”, to wit:

- Plaintiff has **NOT** produced evidence of a valid, legal, assessment to controvert evidence provided by the Defendants-in-error in their Motion for Reconsideration;
 - Neither the Plaintiff, nor this Court has answered the challenges to geographic, territorial jurisdiction;
 - Defendants-in-error have **NOT** been accorded Constitutional Due Process because Plaintiff sought Summary Judgment based on erroneous statements of law and falsification of facts;
 - Defendants-in-error have **NOT** been accorded Constitutional Due Process because Plaintiff in this case sought Dismissal of a related case (SA-06-CA-0768-XR), brought by the Goltzes, based on lack of federal jurisdiction after Plaintiff removed the case from the proper Texas Court **with** jurisdiction to the federal court **lacking** (by Plaintiff’s own statement) jurisdiction to determine the nature and authenticity of a lawful lien filed in the Bexar County, Texas records;
 - Defendants-in-error have **NOT** been accorded Constitutional Due Process because Plaintiff in this case used false testimony, acquired under coercion, duress, and threat of detention “for up to 18 months”, in another case, to prosecute this case. By moving this Court to rush to judgment, Plaintiff is depriving Defendants-in-error from presenting new evidence to this Court in their Motion for Reconsideration.
5. Plaintiff states that Defendants-in-error are “using this Motion for Reconsideration to argue the same points that have already been made” To the extent that that statement is true, it begs the question: **WHEN WILL THE PLAINTIFF ANSWER “THOSE POINTS THAT HAVE ALREADY BEEN MADE”** with lawfully obtained facts to support their assertions, allegations, and accusations. To date, **NONE** of Plaintiff’s assertions, allegations, and accusations have been supported by verifiable facts. Moreover, Plaintiff now attempts to block the presentation of new evidence, not heard by this Court, which supports the defense of the Defendants-in-error and controverts the unlawfully obtained evidence.

WHEREFORE, because the Plaintiff has not presented lawful evidence to support their assertions, allegations, and accusations; and because Defendants-in-error were not permitted the opportunity to submit their testimony to controvert that presumed evidence in a court of record prior to the Plaintiff's Motion for Summary Judgment justly and fully expected by the Defendants-in-error; and because the challenge to geographic (territorial) jurisdiction has been ignored by Plaintiff; and because Plaintiff has not produced a valid, legal, assessment; and because Plaintiff has utilized false and/or misleading testimony acquired under threat, duress and coercion, the Motion for Reconsideration must be granted, the Plaintiff's Motion for Summary Judgment vacated and a full Constitutional Due Process hearing held to determine the facts in this case.

Submitted *in propria persona*

Submitted *in propria persona*

By My Hand:

By My Hand:

Affirmed By: _____

Affirmed By: _____

Henry-Dale Goltz

Evangelina-Salinas Goltz

CERTIFICATE OF SERVICE

I certify that on this 8th day of January, 2007 A.D., a true and exact copy of the aforesaid Motion was sent, by first class postage prepaid U.S. mail, to

Michelle C. Johns
Dept of Justice 717
North Harwood, Suite 400
Dallas, TX 75201

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Henry-Dale Goltz, Sovereign American Citizen