

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Plaintiff,

v.

KENNETH MEDENBACH,

Defendant.

3:16-cr-00051-BR-16

ORDER WARNING DEFENDANT
KENNETH MEDENBACH
REGARDING REPETITIVE *PRO SE*
FILINGS

BROWN, Judge.

This matter comes before the Court *sua sponte* regarding the litigation practices of pro se Defendant Kenneth Medenbach which call into question whether he is complying with the condition specified at the time he was granted leave to proceed *pro se*, that is, that he adhere to the Court's rulings even if he disagreed with the rulings, subject to his right to appeal any ruling with which he disagreed.

On three separate occasions Medenbach has formally raised a Motion to Dismiss based on his contention that this Judicial Officer took an invalid Oath of Office. Medenbach first raised

the issue in an oral Motion to Dismiss based on the Judicial Officer's Oath of Office at the *Faretta* Hearing held March 11, 2016. The Court heard Medenbach's argument on the Motion at that time and also conducted a *Faretta* colloquy with him regarding his request to proceed *pro se*. After that colloquy the Court granted Medenbach leave to proceed *pro se* after making clear the Court's decision was premised on, among other grounds, Medenbach complying with Court rulings whether he agreed with them or not. The Court also denied Medenbach's Motion to Dismiss on the record at that hearing.

Medenbach subsequently filed a Motion (#361) for Reconsideration and Amended Motion (#384) to Dismiss on the same basis. The Court denied those Motions by Order (#440) issued April 20, 2016.

On July 22, 2016, Medenbach filed an Amended Motion (#921) to Dismiss Based on Unlawful Oath of Office on materially the same basis as his previous Motions. By Order filed concurrently with this Order, the Court denied that Motion.

Beyond these three occasions, Medenbach has also informally raised the issue of the Judicial Officer's Oath of Office at multiple Status Hearings and has been advised repeatedly by the Court that its ruling on that issue was final.

As noted, during Medenbach's *Faretta* colloquy on March 11, 2016, the Court advised Medenbach that a *pro se* litigant was

required to adhere to the Court's rulings even if he disagreed with the rulings, subject to his right to appeal any ruling with which he disagreed. The Court now concludes Medenbach has violated this requirement by repeatedly moving to dismiss on the basis of his contention that this Judicial Officer's Oath of Office was inadequate even though the Court has repeatedly denied Medenbach's Motions on that issue. Medenbach's relitigation of issues that have been previously resolved has resulted in a waste of judicial and co-party resources.

Accordingly, the Court advises Medenbach that the Court will not entertain any further Motions based on his contention that the Judicial Officer's Oath of Office was invalid. If Medenbach again makes any such argument in any form, he will forfeit the right of self-representation because of his failure to adhere to the Court's Orders. If that occurs, the Court will reinstate Standby Counsel Matthew A. Schindler as Medenbach's counsel of record for the remainder of these proceedings. The Court also notifies Medenbach that he similarly will forfeit his *pro se* status if he disregards the Court's rulings on other issues.

IT IS SO ORDERED.

DATED this 26th day of July, 2016.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge