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U.S. COURT OF APPEALS

**United States Court of Appeals for the Ninth
Circuit**

DEC 09 2009

N. 08-17116

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D.C. No. 3:06-cv-05600

Northern District of California, San Francisco

Informal Brief

1. Was there discrimination related to this case?

- a. The Administrative Judge of the Securities and Exchange Commission (SEC) from the Washington, D.C. office recommended that I not use an attorney to provide me with suggestions on mediation and such advice caused me to misunderstand the process and not choose a course that would secure me direct legal advice. I was told that identification of an attorney would take too long and would result in the same outcome if one was not used by the defendant. This is a case of Predatory Cognition that becomes discrimination and is used to conquer and destroy Indigenous people by keeping the rules of the process outside the defendants' comprehension.
- b. The difference between a case against Indigenous Global Development Corporation (IGDC) and Deni Leonard as an individual was never explained until the majority of the action on the case by the SEC was submitted.
- c. Once defendant did not have an attorney, compliance with the rules and regulations for submittal of Summary Judgment and Emergency Order to Dismiss were dismissed by Judge Spero for noncompliance with submittal requirement. The Securities Exchange and Exchange San Francisco attorneys also used non-compliance with submittal regulations as an answer.
- d. The court and SEC attorneys did not investigate the First Nations public policy requirements for answers to the Indigenous Global Development Corporation's agreements. They misinterpreted the Canada First Nations' documents and in some cases, dismissed them as irrelevant.
- e. The U.S. Department of Interior designates Federally Recognized Tribal Members as dependents of the U.S. Federal government and pledges to defend any Tribal member against actions by any federal agency as a policy. This did not happen, nor was it considered by the SEC.
- f. The SEC was told that former employees were planning a conspiracy to acquire the company using the SEC inquiry as a process and in a court session at the San Francisco Municipal Court, stated that they had planned for PG&E to purchase IGDC natural gas for their new company. This was never investigated as a primary motive to destroy the company.
- g. Potential investors from Florida stated to IGDC staff that they were well acquainted with the SEC Commissioners and one call from them would result in a major SEC investigation. That also, was never investigated.

- h. It should be clearly understood that dealing with Indian Tribes, Tribal members, or a wholly owned Tribal business entity gets into the area of Tribal Sovereignty and the Federal "Trust" relationship between Indian Tribes and the Federal U. S. Government.

2. Did the Securities and Exchange Attorneys provide documents to the defendant to use in his defense?

- a. The SEC indicated that all materials had to be copied or the defendant would have to stay in the office and read the materials.
- b. I requested the materials which were subpoenaed by the SEC and after over nine months they sent over some "limited" copies of materials. They were not verified as the subpoenaed documents.
- c. Defendant made allegations that stolen documents were provided to SEC attorneys while they were making their inquiry by staff and a statement was submitted to them by an IGDC staff member that documents were illegally removed. The SEC did not investigate any allegations regarding using stolen documents in their investigation.
- d. Here is another example of Predatory Cognition by the SEC attorneys in refusal to assist a defendant by making primary documents inaccessible?

3. Did the Securities and Exchange Commission instigate imperial denials to answer depositions and other defendant actions by the Securities and Exchange Commissioners?

- a. Defendant requested a deposition from each of the SEC Commissioners and had such individually delivered to each at their offices in Washington, D.C. They refused to individually answer the deposition and had the San Francisco SEC office staff attorney answer for them. They acted as an imperial government and dismissed a defendants request for vital information from which he could defend himself.
- b. The investors from Florida claimed to know these SEC Commissioners, and did they have conversations with them regarding IGDC and did they take any action to instigate an investigation?
- c. Is there evidence of institutional discrimination by the SEC regarding Indian Tribes and have they discriminated against Tribal governments relative to municipal bond designations?
- d. Is the SEC staff aware of the unique public policy rights of Indian Tribes and their federalist rights in the national political hierarchy and how such rights exclude certain federal authority without direct mention in national legislation and Tribal consultation?
- e. During President Obama's recent statement to American Indian Tribes, on or about the date of December 6, 2009, he made it very clear that he expected each Agency within Federal government to work collaboratively with American Indian Tribes, establishing a time frame for compliance.

4. Did the Securities and Exchange Commission illegally subpoena Tribal Company documents and illegally use such to prosecute the defendant?

- a. Is there legislation which gives the SEC authority to subpoena Tribal Sovereign Documents from a Tribal Company?
- b. Did the SEC contact the Tribal Court to request such authority through the sovereign judicial process?
- c. Are documents which are illegally subpoenaed valid in a federal court?
- d. Is the SEC legal staff aware of such Tribal Jurisdiction?
- e. Is the Judge in this SEC case responsible for the due diligence in ascertaining the legal authority of the Tribes to maintain their legal process to the related federal courts and private Tribal companies?
- f. Is the action of the SEC, to taking documents without due process valid and. should such documents, not be allowed as evidence in a federal court?
- g. Thus, IGEC and Defendant Deni Leonard seek out a positive method of resolving this without having to pursue this into a higher court, thus look for an amicable path to resolving

5. Since the SEC Administrative Judge, Kelly, advised against defendant using an attorney, should non-compliance with regulations in document answers, submittals and summary/Order to Dismiss become a continuous and valid reason to deny introduction of evidence?

- a. Did the SEC advise against defendant using an attorney and did that action cause the submittals, Summary Judgment, two (2) Motions to Dismiss, and the reply to SEC motions, result in having the defendants documents be determined to be inadmissible because they did not comply with federal court regulations and the content of the evidence not used by the court in determining a ruling/decision?.
- b. Did the SEC staff attorneys not investigate many of the defendants' requests for additional information because defendant did not make such request to comply with federal court regulations?
- c. Should the San Francisco office of the SEC submit internal emails to determine the extent of using the lack of legal assistance to the defendant as a basis for the legal strategy to win a case and not necessarily seek justice and truth?
- d. Should Judge Spero, have used the CD, personally delivered by Mr. Deni Leonard, describing the IGDC company and a background on Mr. Deni Leonard have been declared and used in his determination of the case?
- e. Should Judge Spero have used the Military Bio, personally delivered by Mr. Deni Leonard, regarding Mr. Leonard in the case and should that have been declared?

6. Did the SEC violate it's own rule by permitting oral presentation to the San Francisco Chronicle in articles to discredit both IGDC and Mr. Deni Leonard?

- a. Did the SEC state on the U.S. House Floor that they could not disclose information on Mr. Madoff because of Ethics compliance by the SEC?
- b. Who in the San Francisco SEC office authorized a junior staff attorney to speak to the newspaper and represent the SEC without regard to ethics?
- c. What are the major consequences for IGDC regarding these unethical presentations by the SEC to newspapers and who will repay the damages?
- d. What are the exact ethics rules that Ms. Linda Thomsen, Enforcement Director for the SEC is referring to in the statements to the U.S. House Committee?
- e. Again, we must consider the Human Rights issues and the intent contained within the Indian Civil Rights Act.

7. Is the SEC an agency that has historically discriminated against American Indians institutionally and was this history used in prosecuting this case?

- a. American Indians have been designated as wards of the government and federal agencies have not recognized the Tribes as governments for reasons of municipal bond finance to support the Indian Reservation communities?
- b. Has the staff of the SEC abused their authority in the case regarding investigation, discovering evidence, accepting defendant's documents and interview of defendant and other Tribal people?
- c. Has the SEC been a discriminatory public policy instrument to deny the Tribal people their natural resources utilizing federal/state laws? In the U.S. the Tribes own up to 1/3 of all the oil and gas and in Canada it is higher and the revenue is projected to be over a trillion dollars in each country. The Tribes history is receiving a small royalty of 5-10% with the majority of the resource revenue going to major multinational corporations who are using a pool of attorneys to proactively collect the oil and gas for their corporate entity?
- d. Did the SEC comply with President Obama's memorandum dated November 6, 2009, requiring that each agency to submit, within 90 days, a plan to work and correct any problems working with Indian Country and will these reflect removing the discrimination against SEC Tribal bond financing?
- e. Does the SEC recognize the need for finance by Indian Tribes and that Tribes have a history being treated a domestic refugees and are the last to have discriminatory U.S. public policies corrected.
- f. The intent of Tribal Sovereignty and the issues already have been tested within the U. S. Supreme Court should not be ignored, and obviously professional legal advisors will focus upon these cases. My physical

condition and my limited legal wherewithal limit me from taking full advantage of said case histories.

8. Did the Appeals Court consider defendants restrictive health conditions relative to his physical ability to submit a file on the appeal?

- a. Did the Courts/SEC acknowledge the medical condition of the defendant in which he submitted, via certified mail, his physical and medical condition?
- b. Are the filing documents acceptable given the loss of memory from the three brain surgeries and heart procedure?
- c. Did the Appeals Courts acknowledge that they were sent the medical condition of the defendant?
- d. There should be very little doubt that the bad advice, and the limited physical and mental abilities of the defendant have indeed hampered his ability to build, complete and submit a strong legal response in this appeal process.

I ask the court to reverse the summary judgment as it was a decision based upon use of discrimination? We pray that the court will allow another full jury trial whereby the defendant can use attorneys and introduce evidence complying with the federal court requirements. This has been a one sided prosecution and preying on the lack of access by the defendant to access legal assistance to insure that all the resources available could be introduced to defend and protect his rights under the U. S. Constitution.

Submitted: December 9, 2009 By:



Mr. Deni Leonard/IGDC

CC; Wn. D.C. SEC Office