

Motion to Vacate, Set Aside, or Correct a Sentence  
By a Person in Federal Custody

(Motion Under 28 U.S.C. § 2255)

Instructions

1. To use this form, you must be a person who is serving a sentence under a judgment against you in a federal court. You are asking for relief from the conviction or the sentence. This form is your motion for relief.
2. You must file the form in the United States district court that entered the judgment that you are challenging. If you want to challenge a federal judgment that imposed a sentence to be served in the future, you should file the motion in the federal court that entered that judgment.
3. Make sure the form is typed or neatly written.
4. You must tell the truth and sign the form. If you make a false statement of a material fact, you may be prosecuted for perjury.
5. Answer all the questions. You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit a brief or arguments, you must submit them in a separate memorandum.
6. If you cannot pay for the costs of this motion (such as costs for an attorney or transcripts), you may ask to proceed *in forma pauperis* (as a poor person). To do that, you must fill out the last page of this form. Also, you must submit a certificate signed by an officer at the institution where you are confined showing the amount of money that the institution is holding for you.
7. In this motion, you may challenge the judgment entered by only one court. If you want to challenge a judgment entered by a different judge or division (either in the same district or in a different district), you must file a separate motion.
8. When you have completed the form, send the original and two copies to the Clerk of the United States District Court at this address:  

Clerk, United States District Court for	Western District of Wisconsin
Address	120 North Henry Street
City, State Zip Code	Madison, Wisconsin 53703
9. **CAUTION:** You must include in this motion all the grounds for relief from the conviction or sentence that you challenge. And you must state the facts that support each ground. If you fail to set forth all the grounds in this motion, you may be barred from presenting additional grounds at a later date.
10. **CAPITAL CASES:** If you are under a sentence of death, you are entitled to the assistance of counsel and should request the appointment of counsel.

FILE

MOTION

- July ☒

Judge only ☐

7. Did you testify at a pretrial hearing, trial, or post-trial hearing? Yes ☒ No ☐
8. Did you appeal from the judgment of conviction? Yes ☒ No ☐
9. If you did appeal, answer the following:
- (a) Name of court: United States Appellant Court for the Seventh District - Chicago, Illinois
  - (b) Docket or case number (if you know):
  - (c) Result:
  - (d) Date of result (if you know):
  - (e) Citation to the case (if you know):
  - (f) Grounds raised:
- (g) Did you file a petition for certiorari in the United States Supreme Court? Yes ☐ No ☒
- If "Yes," answer the following:
- (1) Docket or case number (if you know):
  - (2) Result:
  - (3) Date of result (if you know):
  - (4) Citation to the case (if you know):
  - (5) Grounds raised:
10. Other than the direct appeals listed above, have you previously filed any other motions, petitions, or applications concerning this judgment of conviction in any court? Yes ☒ No ☐
11. If your answer to Question 10 was "Yes," give the following information:
- (a) (1) Name of court: U.S. District Court for the Western District of Wisconsin
  - (2) Docket or case number (if you know):
  - (3) Date of filing (if you know):

Page 4

(4) Nature of the proceeding: Compassionate Release

(5) Grounds raised:

(6) Did you receive a hearing where evidence was given on your motion, petition, or application? Yes ☐ No ☒

(7) Result:

(8) Date of result (if you know):

(b) If you filed any second motion, petition, or application, give the same information:

(1) Name of court:

(2) Docket or case number (if you know):

(3) Date of filing (if you know):

(4) Nature of the proceeding:

(5) Grounds raised:

(6) Did you receive a hearing where evidence was given on your motion, petition, or application? Yes ☐ No ☐

(7) Result:

(8) Date of result (if you know):

(c) Did you appeal to a federal appellate court having jurisdiction over the action taken on your motion, petition, or application?

(1) First petition: Yes ☐ No ☐

(2) Second petition: Yes ☐ No ☐

(d) If you did not appeal from the action on any motion, petition, or application, explain briefly why you did not:

12. For this motion, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE: JURISDICTION --- FALSE IMPRISONMENT

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

Timothy Whiteagle is a full blood Ho-Chunk Nation of Wisconsin tribal member. The Ho-Chunk Nation exists as a sovereign nation, complete as per United States government via the Bureau of Indian Affairs. A sovereign nation is a self governing tribal nation with tribal law prevailing as basis for sovereignty, existing with the Ho-Chunk Nation Constitution, Code of Ethics, Bill of Rights, with tribal remedies in place for "correction" of tribal members and limited jurisdiction over non-tribal members. All of these tribal liberties are all within the boundaries of tribal sovereignty given to tribal nations by the United States government to exist as tribal nations.

The Tribal Exhaustion Doctrine clearly expresses and defines the right of tribal courts to "exhaust" all remedies available under tribal law, prior to any federal government involvement. Federal government involvement and jurisdiction is in violation of the Tribal Exhaustion Doctrine where tribal court did not exercise remedies involving Timothy Whiteagle, Clarence Pettibone and Deborah Atherton Whiteagle. Tribal court exhaustion absolutely must take place prior to any federal involvement with tribal issues.

Ho-Chunk Nation tribal law, as per the Code of Ethics, Constitution and Bill of Rights, the Ho-Chunk Nation has jurisdiction over all cases, both criminal and civil with remedies in place for tribal members and again, limited jurisdiction for non tribal members.

**\*\*FACT\*\*** The Ho-Chunk Nation tribal court did NOT summon Timothy Whiteagle, Clarence Pettibone or Deborah Atherton Whiteagle to tribal court to address the charges as presented by the federal government. This is in direct procedural violation of tribal law and the Tribal Exhaustion Doctrine and which permits the federal government to bring charges against any federally recognized sovereign nation only AFTER the exhaustion of tribal law violation remedies.

((2) If you did not raise this issue in your direct appeal, explain why:

Attorney Glenn Reynolds was not aware of the existance of the Tribal Exhaustion Doctrine.

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☒ No ☐

(2) If your answer to Question (c)(1) is "Yes," state:

Type of motion or petition: 241 Habeas Corpus - pending

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

## GROUND TWO: MALICIOUS/VINDICTIVE PROSECUTION - PROSECUTIONAL MISCONDUCT

See Exhibits: 9A - 20 - 25

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

2008 - Cash Systems Inc. President Craig Keith Potts was grand jury indicted then arrested on twenty four (24) counts of bribery, conspiracy, making false statements to an FBI agent and to a federally insured financial institution and obstruction of justice. Potts, who is one quarter (1/4) quantum Crow Nation blood) was accused of "giving" something of value for "influence" to Ojibwae Nation tribal legislators for the 'privilege of commerce' with the Ojibwae Nation of Leech Lake, Minnesota.

Potts was acquitted on all twenty four (24) counts of bribery, conspiracy, making false statements and obstruction of justice in professing any funds "given" were nothing more than loans. The trial jury believed him. However, legislator Peter White was convicted of "accepting" 'bribe' money - as political influence for a gaming contract, when in fact, those funds were actually loans.

Minnesota prosecutors, angry and embarrassed of defeat, aggressively pursued charges against Ho-Chunk Nation tribal members Timothy Whiteagle who was an employee of Cash Systems, Inc. as well as Deborah Atherton Whiteagle. Two weeks after the acquittal of Craig Potts, the United States government with the assistance of Asst. Attorney General Stephen Sinnott of Madison, Wisconsin viciously raided the homes of Timothy and Deborah Whiteagle, and the family of Clarence Pettibone. Taken from both properties were computer files and various other personal property that has YET to be returned in hopes of saving face from the Minnesota Potts acquittal.

(b) Direct Appeal of Ground Two:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☒ No ☐

(2) If you did not raise this issue in your direct appeal, explain why:

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☒ No ☐

(2) If your answer to Question (c)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

Appellant Court for the Seventh District - Chicago, Illinois

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available): ✓

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

GROUND THREE: DISPARITY

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):  
High Profile cases for severe offenses are dismissed.

See also: Ground Two: Malicious, Vindictive Prosecution, Prosecutorial Misconduct,  
Selective Prosecution, Judicial Bias  
( Pay special attention to Exhibits 16 - 20)

(b) Direct Appeal of Ground Three:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☒ No ☐

(2) If you did not raise this issue in your direct appeal, explain why:

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☒ No ☐ Appeal - attached

(2) If your answer to Question (c)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

GROUND FOUR: Bribery, Conspiracy FEDERAL ELECTION COMMISSION

CAMPAIGN FINANCE/CONTRIBUTIONS

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

See Exhibits

Procedure Violations: See: The Ho-Chunk Nation Code of Ethics pages 11-17.

45 days to form opinion } Step 1. Ho-Chunk Nation Ethics Review Board, notifies the violation by summary of Complaint report, including the name of the person making the alleged violation. Time frame - one year from the date of violation.

Step 2. Ho-Chunk Nation Attorney General may bring a civil/criminal judgement/action in the Ho-Chunk Nation Tribal Court.

Step 3. Penalties - up to \$5000 each offense for elected officials (includes former elected officials)  
up to \$2500 each offense - tribal Members

See: Crimes Against HCN Government & Government Officials

(b) Direct Appeal of Ground Four:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☒ No ☐

(2) If you did not raise this issue in your direct appeal, explain why:

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☒ No ☐

(2) If your answer to Question (c)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

Appellant Court for the Seventh District - Chicago, Illinois

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available): ✓

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☒ No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☒

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

13. Is there any ground in this motion that you have not previously presented in some federal court?

If so, which ground or grounds have not been presented, and state your reasons for not presenting them:

Tribal Exhaustion Doctrine.

14. Do you have any motion, petition, or appeal now pending (filed and not decided yet) in any court for the judgment you are challenging? Yes ☒ No ☐

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised.

District Court for the Eastern District of Minnesota, Duluth, Minnesota 2241 Habeas Corpus

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing:

(b) At arraignment and plea:

(c) At trial:

(d) At sentencing:

(e) On appeal:

(f) In any post-conviction proceeding:

(g) On appeal from any ruling against you in a post-conviction proceeding:

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time? Yes ☐ No ☒

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes ☐ No ☒

(a) If so, give name and location of court that imposed the other sentence you will serve in the future:

(b) Give the date the other sentence was imposed:

(c) Give the length of the other sentence:

(d) Have you filed, or do you plan to file, any motion, petition, or application that challenges the judgment or sentence to be served in the future? Yes ☒ No ☐

18. TIMELINESS OF MOTION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2255 does not bar your motion.\*

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\* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2255, paragraph 6, provides in part that:

A one-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of —

- (1) the date on which the judgment of conviction became final;
- (2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making such a motion by such governmental action;
- (3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
- (4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

Therefore, movant asks the Court grant the following relief:

or any relief to which the movant may be entitled.

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Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the following is true and correct  
and that this Motion under 28 U.S.C. § 2255 was placed in the prison mailing system on:

Executed (signed) on July 14, 2014 (month, date, and year)

A handwritten signature in black ink, appearing to read "Tim White", written over a horizontal line.

Signature of movant

If the person signing is not the movant, state relationship to the movant and explain why movant is not