

## Update on abortion lawsuit: Insomnia strikes again, etc,

Here's a quick update on what's going on with the abortion lawsuit against Dr. Alan Braid, MD.

First, I have submitted for filing a [motion to intervene](#) in United States v. Texas, TXWD 1:21-cv-796. The clerk has a very nice system that allows me to submit a motion for filing, in pdf generated from word processor. I look forward to seeing what it looks like when it comes back with filemark headers.

Professor Wolfgang P. Hirczy de Mino, Ph.D. filed a "[Plea in Intervention...](#)" in Oscar Stilley's state law action against Dr. Alan Braid, MD., at 12:10 AM on September 23, 2021. Looks to me like another bad case of insomnia. Professor Hirczy de Mino soundly denounces Stilley, saying that he lacks ideological purity, is making a mockery of the process, is proceeding contrary to the intent of the Texas legislature, etc.

Professor Hirczy de Mino says Stilley is a collusive plaintiff and a "publicity hog." Stilley speaks peaceably to the press upon request, but cannot see how that makes him a "publicity hog." Stilley answers questions to the best of his ability. What's wrong with that? Is that not 1<sup>st</sup> Amendment protected activity?

If Dr. Braid is a colluder he's the strangest one I've ever seen. I've never spoken to the man. His personnel won't take my calls. I'm just trying to cooperate so as to make service of my complaint as painless as possible. No matter. As soon as the name "Oscar Stilley" slips my lips, the telephone goes CLICK! This call is *over*!

As to my qualifications and ideological purity, I didn't inquire about the intentions of the Texas legislature, or the persons and organizations that put them up to their *legislative stunt*. Yes indeed, if my enemies can call my complaint a "legal stunt," I can call their law a "legislative stunt." Turn about is fair play.

I read the words of the "law" published for all the world to see. I didn't know I had any obligation to be a mind reader. As far as the plea in intervention, I plan to respond within the time required by rule. I think my complaint is as good as any, even maybe better than average. It doesn't take much skill to plead a good case under SB8.

My adversaries claim I'm acting contrary to the intent of the Texas legislature. We're told that the intent of the law is the intent of the lawmaker. Fair enough, but everything I see indicates that the intent of the Texas legislature, in passing this law, was to chill the exercise of constitutional rights while depriving opponents of the law of a reasonable means to mount an effective legal challenge.

Professor Hirczy de Mino avers that the three intervenors who filed a [plea in intervention](#)

in *federal* court are more pure in heart than Stilley. They claim they might want to sue somebody some day, and they shouldn't be enjoined from it.

Let's distill this brouhaha down to its essence. The Texas legislature promulgated their legislative stunt, which essentially baited all the doctors in Texas to challenge it. Dr. Braid rose to the bait, essentially challenging the whole world to sue him for doing it. Stilley rose to Braid's juicy bait, which generated not inconsiderable media interest. Now Stilley is vilified from both sides of the political fence, for doing what the Texas legislature plainly gave him the right to do, invited him to do, practically *begged* him to do.

I've been accused of not being sufficiently "pro-life." I've been attacked for using such terms as "bastard." If *plain speech* amounts to evil I'll plead guilty and ask for a light sentence.

I admit that I'm disinclined to abuse or hurt or even criticize a woman who finds herself in difficult circumstances. Honestly I'm more inclined to console and offer a kind word of encouragement, if suitable opportunity should arise.

I believe that every child born into this world should have two competent parents and the best set of genes reasonably possible under the circumstances. Does that disqualify me from being "pro-life?"

I made friends with a lot of bastards in the various federal prisons where I've been incarcerated. They're genuine, bona fide friends. I care deeply about their welfare. I also care about people I've never met, who find themselves in the mouth of the federal prosecutorial meat-grinder. The vast majority of them are bastards, according to the legal definition of the term.

I've published a book entitled "*Busting the Feds: How to Effectively Defend Yourself Against Federal Criminal Charges.*" You can read it online, for free, at [www.bustingthefeds.com](http://www.bustingthefeds.com) I've published a blog post about the thrust of this book, it's not hard to find. This book is basically a primer on getting due process and a solid, effective defense. Nobody should be punished for claiming their right to a speedy trial, in excess of the official "trial penalty" set forth in the rules. If a federal defendant wants to exercise their right to trial without getting stomped out for it, they need to read this book.

I don't think federal prisoners should be punished under conditions more harsh than those prescribed by applicable authorities. That would include the Standards and Expected Practices of the American Correctional Association (ACA) and the Program Statements (official policies) of the Department of Justice-Federal Bureau of Prisons (DOJ-FBOP). Yes, I admit my willingness to help inmate vindicate those rights. Anyone in custody, desirous of prison conditions to which they are entitled, needs to read this book.

Loss of liberty is punishment enough. It is not necessary to pile on with myriad petty insults and cruelties. I've been there and done that. I know what it feels like to save dental floss

in a vial of mouthwash, and use it repeatedly until it wears out, because dental floss simply isn't sold on commissary, at any price. I know what it's like to be told that the "dental care list" is 5 years long, and I shouldn't hold my breath even then. I've felt the despair of knowing that competent dental care is not available, at any price.

In the book *Seabiscuit* you'll find the line "you don't throw away a whole life just because it's banged up a little." My life's been banged up more than a little, and I'm willing to admit it. Getting disbarred from the practice of law is a pretty serious "ding" on the reputation. Ditto for getting 15 years in federal prison on utterly bogus, trumped up charges of tax evasion and "conspiracy." However, getting banged up myself has helped me to feel compassion to others similarly situated. The older I get the less I care that they got banged up differently than I did.

For the truly pro-life, I have a proposal. Let's cast votes with cash money. Buy a copy of *Busting the Feds* and sending it to some poor bastard facing a federal indictment. Perhaps you could send it to an inmate in a nearby jail, and suggest they share this information with their friends. When a man finds himself in US Marshal custody, you can pretty well figure that he's been "banged up a little." He probably needs some help getting a fair shake.

It can be difficult to get a book into federal prison, so I'm willing to do the work of getting it to someone in jail, for the same \$30 you'd pay to get your own copy on Amazon. If you want this service, send a small amount of money to [oscarstilley@gmail.com](mailto:oscarstilley@gmail.com), then send an email asking me how much you sent. If I tell you the correct amount, send \$30, or some multiple thereof. I'll take it from there.

I'm giving pro-lifers the floor, between now and October 1, 2021. This is the time for pro-lifers to shine. This is the time for pro-lifers to show they care about bastards, even when they're no longer cute little babies. This is the time for pro-lifers to show they care even after a bastard has done something he probably wouldn't have done, if he'd had a father to teach him how to live his life.

There *is* a pot of gold at the end of this rainbow. The DOJ-FBOP achieves a recidivism rate of about 45%, by their own admission. That should be single digits, and could be if the pro-life movement set their heart on it. Inmates don't just *want* to go back to prison. Most people will give up virtually every tangible thing they own, to stay out of prison. We can save billions of tax dollars spent on wretchedly incompetent and ineffective "correctional programs."

Yes, I will publish the result. Yes, I will tell the press how many of these books Amazon says were sold, and also how many I've been charged with sending to jailed defendants. However great or small the response, the press will know, the world will know.

Plenty of people will want to know why I filed this case. I've been asked again and again. It's a fair question. I have a bur under my saddle - that much I freely admit. I've been cheated

out of due process, and thereby sentenced to 15 years in federal prison. That was only possible because the government artfully dodged giving me a fair chance to get a straight ruling on the issues that would necessarily set me free.

How did they do it? They denied me the transcript prior to incarceration. After incarceration they denied me access to the docket items (over 3,000 pages worth) and access to a word processor, printer, legal research resources, etc., indispensable to a competent appeal. They denied me access to the bare essentials necessary to prepare and file the appellate briefs required for me to prosecute the one direct appeal to which I am entitled by law. I was relegated to joining my co-defendant's appeal brief - which certainly doesn't take the place of my own appeal.

That's wrong, no matter whose ox is getting gored. Even the three intervenors in US v. Texas, TXWD 1:21-cv-00796-RP seem to proceed with the assumption that SB8, as written by the legislature, cannot pass constitutional muster. They seem to hope the District Court will redraft the law to snare conduct allegedly not constitutionally protected. Of course they don't admit a desire for re-drafting. They insist that their claim amounts to one of "severance" of constitutionally sufficient portions of SB8, so that some part thereof remains valid and enforceable.

I have consistently fought the criminal charges in my federal criminal case. I have filed a [motion to set aside or amend](#) my criminal judgment and sentence, under 28 USC 2255. The District Court [ordered](#) the government to respond by September 30, 2021.

My adversary has an ethical and moral obligation to respond to these paragraphs, on a paragraph number by paragraph number basis. If I'm telling the truth, my prosecutor has an ethical duty to help me get justice, even at this late date. I was prosecuted by Charles Anthony O'Reilly, California Bar 160980.

I don't think he'll do it. I think he'll try every dodge he can come up with, until he runs out of dodges. I verily hope I'm wrong. I just don't see any indicia that he wants to provide the District Court with an honest and accurate record, upon which to rule in my case. In fact he has already filed a [motion to dismiss](#) my motion under 28 USC 2255. He also filed a [motion to "dismiss"](#) a motion I filed to compel the government to disclose the contact information of my co-defendant, who also happens to be a material witness.

Basically what he's saying is this. "If I can clam up and say nothing at all, I think I can win this case. I think I can keep Stilley in prison for the rest of his lawless 15 year prison sentence. Otherwise, I'm toast."

That's why I think I have a dog in this fight. My litigation against Dr. Braid is more about due process and governmental integrity than it is about abortion rights or abortion wrongs. Our system is based upon the right of every citizen to reasonable access to the courts, without

“trick bags” to unfairly prevent litigants from getting a straight answer on a legal question that affects their life, liberty, or property. Our system is based on presenting the truth to a court, and letting the chips fall where they may. I have not gotten that consideration from my own government.

The 2255 motion is has 13 numbered grounds for relief, and covers some 80 pages. I’d like to pass on some wisdom I got from a young man with a particularly cantankerous mother, to whom he showed remarkable kindness and patience. I asked how he put up with her. He responded “honestly, I can only take her in small doses.”

If you click on the 2255, may I suggest you take it in small doses?