

CLIVEN D. BUNDY
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RECEIVED
U.S. DISTRICT COURT
DISTRICT OF NEVADA
2012 JUN -4 P 3:15

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Case No. CV 2:12-cv-00804-LDG-GWF

Plaintiff,

v.

ANSWER TO COMPLAINT

CLIVEN BUNDY

Defendant.

This Answer is timely filed:

Comes NOW, Cliven D. Bundy, *Pro se*, and responds to the allegations set forth in the matter named herein above as follows:

1. With respect to ¶-1 in the Complaint I can neither affirm nor deny at this time the assertions therein.

2. With respect to ¶-2 in the Complaint I do admit there was such a case with the alleged legal caption United States v. Cliven Bundy, No. CV-S-98-531-JBR (RJJ) (Bundy I) in or about the year alleged. However, I do hereby deny any and all allegations of violating any such Order coming out of that proceeding or being in Trespass anywhere by the illegal running of cattle for the following reasons; The then entire authority claimed by Plaintiff at that time was pursuant to the *Endangered Species Act of 1973* (ESA; 16 U.S.C. § 1531 et seq.) establishing the so called "Desert Tortoise" of Southern Nevada "threatened and endangered" pursuant to said Act.

However, the particular "Desert Tortoise" they used was never proven to meet the criteria of the Act wherein the critter had to be engaged in "foreign commerce" pursuant to the originating Treaties, see these sections of the Act which state in part as follows:

(a) Findings

The Congress finds and declares that—

- (1) various species of fish, wildlife, and plants in the United States have been rendered extinct as a consequence of economic growth and development untempered by adequate concern and conservation;*
- (2) other species of fish, wildlife, and plants have been so depleted in numbers that they are in danger of or threatened with extinction;*
- (3) these species of fish, wildlife, and plants are of esthetic, ecological, educational, historical, recreational, and scientific value to the Nation and its people;*
- (4) the United States has pledged itself as a sovereign state in the international community to conserve to the extent practicable the various species of fish or wildlife and plants facing extinction, pursuant to—*
 - (A) migratory bird treaties with Canada and Mexico;*
 - (B) the Migratory and Endangered Bird Treaty with Japan;*
 - (C) the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere;*
 - (D) the International Convention for the Northwest Atlantic Fisheries;*
 - (E) the International Convention for the High Seas Fisheries of the North Pacific Ocean;*
 - (F) the Convention on International Trade in Endangered Species of Wild Fauna and Flora; and*
 - (G) other international agreements; and*

(b) Purposes

The purposes of this chapter are to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, to provide a program for the conservation of such endangered species and threatened species, and to take such steps as may be appropriate to achieve the purposes of the treaties and conventions set forth in subsection (a) of this section.

And then a final definition of what the critter needs to be engaged in;

- (9) The term "foreign commerce" includes, among other things, any transaction—*
 - (A) between persons within one foreign country;*
 - (B) between persons in two or more foreign countries;*
 - (C) between a person within the United States and a person in a foreign country; or*
 - (D) between persons within the United States, where the fish and wildlife in question are moving in any country or countries outside the United States.*

Moreover, I have operated under the authority in NRS 321.596-599 *et seq* (effective July 1, 1979) wherein the Sovereign State of Nevada by and through its Legislature laid claim to the lands in question in the Bundy I matter and the lands named in this pending matter. The State of Nevada laid claim to all lands within its borders retroactively to its coming into the Union. This sovereign act of the People of the State of Nevada through its legislative and police powers has never been properly adjudicated in a Court of proper jurisdiction, meaning that a matter of such magnitude dealing with two Sovereigns, the United States and the State of Nevada would have to be heard as a matter under the Original Jurisdiction Doctrine before the United States Supreme Court. The only attempts of trying to lodge a holding on the ownership of the public domain has been by wrongful stipulation of the Nevada Attorney General before this very court in United States v. Nye County. This very Court wisely recognized in the *dicta* of its Order that that act prevented the merits of that case proceeding on for proper adjudication.

The Nevada Law, NRS 321.596-599 *et seq*, is still active law within the State of Nevada and has never been repealed by the State of Nevada. Therefore, I have operated over the years upon the reliance of this Nevada Law and the doctrine of necessity to protect my common law rights of my livelihood. It being well settled that there is no general federal common law, just because a State Attorney General elects not to enforce a law of that state does not force me to not operate to protect my property under that state authority and rely upon that same law in good faith until my state repeals it.

In addition, if the critter, the Tortoise, did not meet the criteria set forth in the ESA then the entire proceedings to take my property or deny me access to my established water rights and vocation was done without any jurisdiction from the beginning and everything and acts of

enforcement that flowed from those decisions were without authority and were fruit of the poison tree from the beginning.

3. With respect to ¶-3 in the Complaint I deny the allegations for the same reasons set forth herein above in ¶-2 in this Answer.

4. With respect to ¶-4 in the Complaint I can neither affirm nor deny at this time the assertions therein.

5. With respect to ¶-5 in the Complaint I can neither affirm nor deny at this time the assertions therein.

6. With respect to ¶-6 in the Complaint I do not assert an opinion at this time the assertions therein.

7. With respect to ¶-7 in the Complaint I deny the allegations for the same reasons set forth herein above in ¶-2 in this Answer.

8. With respect to ¶-8 in the Complaint I deny the allegations for the same reasons set forth herein above in ¶-2 in this Answer.

9. With respect to ¶-9 in the Complaint I can neither affirm nor deny at this time the assertions therein.

10. With respect to ¶-10 in the Complaint I affirm the ascertains therein.

11. With respect to ¶-11 in the Complaint I affirm the ascertains therein.

12. With respect to ¶-12 in the Complaint I deny the allegations for the same reasons set forth herein above in ¶-2 in this Answer.

13. With respect to ¶-13 in the Complaint I affirm the ascertains therein.

14. With respect to ¶-14 in the Complaint I deny the allegations for the same reasons set forth herein above in ¶-2 in this Answer.

15. With respect to ¶-15 in the Complaint I deny the allegations for the same reasons set forth herein above in ¶-2 in this Answer.

16. With respect to ¶-16 in the Complaint I deny the allegations for the same reasons set forth herein above in ¶-2 in this Answer.

17. With respect to ¶-17 in the Complaint I deny the allegations for the same reasons set forth herein above in ¶-2 in this Answer.

18. With respect to ¶-18 in the Complaint I deny the allegations for the same reasons set forth herein above in ¶-2 in this Answer.

19. With respect to ¶-19 in the Complaint I deny the allegations for the same reasons set forth herein above in ¶-2 in this Answer.

20. With respect to ¶-20 in the Complaint I deny the allegations for the same reasons set forth herein above in ¶-2 in this Answer.

21. With respect to ¶-21 in the Complaint I affirm certain ascertains therein in part and deny certain allegations in part for the same reasons set forth herein above in ¶-2 in this Answer.

22. With respect to ¶-22 in the Complaint I deny the allegations for the same reasons set forth herein above in ¶-2 in this Answer.

23. With respect to ¶-23 in the Complaint I deny the allegations for the same reasons set forth herein above in ¶-2 in this Answer.

24. With respect to ¶-24 in the Complaint I deny the allegations for the same reasons set forth herein above in ¶-2 in this Answer.

25. With respect to ¶-25 in the Complaint I deny the allegations for the same reasons set forth herein above in ¶-2 in this Answer.

26. With respect to ¶-26 in the Complaint I affirm certain ascertains therein in part and deny certain allegations in part for the same reasons set forth herein above in ¶-2 in this Answer.

27. With respect to ¶-27 in the Complaint I affirm certain ascertains therein in part and deny certain allegations in part for the same reasons set forth herein above in ¶-2 in this Answer.

28. With respect to ¶-28 in the Complaint I affirm certain ascertains therein in part and deny certain allegations in part for the same reasons set forth herein above in ¶-2 in this Answer.

29. With respect to ¶-29 in the Complaint I affirm certain ascertains therein in part and deny certain allegations in part for the same reasons set forth herein above in ¶-2 in this Answer.

30. With respect to ¶-30 in the Complaint I affirm the ascertains therein.

31. With respect to ¶-31 in the Complaint I deny the allegations for the same reasons set forth herein above in ¶-2 in this Answer.

32. With respect to ¶-32 in the Complaint I deny the allegations for the same reasons set forth herein above in ¶-2 in this Answer.

33. With respect to ¶-33 in the Complaint I affirm certain ascertains therein in part and deny certain allegations in part for the same reasons set forth herein above in ¶-2 in this Answer.

34. With respect to ¶-34 in the Complaint I affirm the ascertains therein.

35. With respect to ¶-35 in the Complaint I deny the allegations for the same reasons set forth herein above in ¶-2 in this Answer.

36. With respect to ¶-36 in the Complaint I deny the allegations for the same reasons set forth herein above in ¶-2 in this Answer.

37. With respect to ¶-37 in the Complaint I affirm certain ascertains therein in part and deny certain allegations in part for the same reasons set forth herein above in ¶-2 in this Answer.

38. With respect to ¶-38 in the Complaint I deny the allegations for the same reasons set forth herein above in ¶-2 in this Answer.

39. With respect to ¶-39 in the Complaint I deny the allegations for the same reasons set forth herein above in ¶-2 in this Answer.

40. With respect to ¶-40 in the Complaint I deny the allegations for the same reasons set forth herein above in ¶-2 in this Answer.

41. With respect to ¶-41 in the Complaint I deny the allegations for the same reasons set forth herein above in ¶-2 in this Answer.

42. With respect to ¶-42 in the Complaint I deny the allegations for the same reasons set forth herein above in ¶-2 in this Answer.

43. With respect to ¶-43 in the Complaint I deny the allegations for the same reasons set forth herein above in ¶-2 in this Answer.

44. With respect to ¶-44 in the Complaint I deny the allegations for the same reasons set forth herein above in ¶-2 in this Answer.

45. With respect to ¶-45 in the Complaint I deny the allegations for the same reasons set forth herein above in ¶-2 in this Answer.

46. The Defendant incorporates its previous answers as though fully set forth herein.

47. With respect to ¶-47 in the Complaint I deny the allegations for the same reasons set forth herein above in ¶-2 in this Answer.

48. With respect to ¶-48 in the Complaint I deny the allegations for the same reasons set forth herein above in ¶-2 in this Answer.

49. The Defendant incorporates its previous answers as though fully set forth herein.

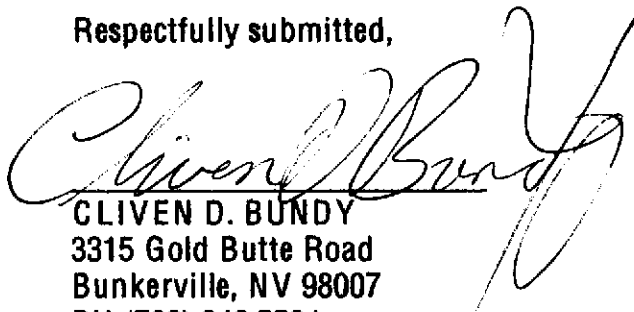
50. With respect to ¶-50 in the Complaint I deny the allegations for the same reasons set forth herein above in ¶-2 in this Answer.

51. With respect to ¶-51 in the Complaint the Defendant denies that Plaintiff is entitled to said requested relief because they have not stated a claim upon which relief can be granted and I deny the allegations therein for the same reasons set forth herein above in ¶-2 in this Answer.

WHEREFORE, Defendant respectfully submits these answers to Plaintiff's Complaint and requests that Plaintiff's request for relief in its Prayer for Relief be denied because they have not stated a claim upon which relief can be granted and Defendant hereby requests for such relief as this Court deems just and proper.

DATED this 4 day of June, 2012

Respectfully submitted,



CLIVEN D. BUNDY
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PH (702) 346.5564

PROOF OF SERVICE

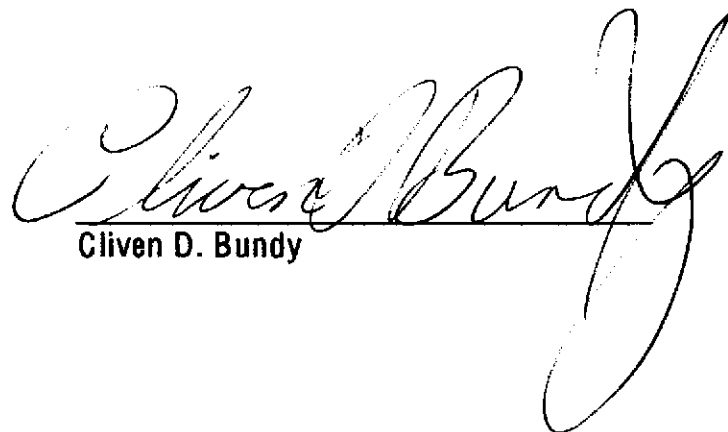
I, Cliven D. Bundy, certify that this ANSWER TO COMPLAINT was served upon Plaintiff on this date by the below identification method of service:

US MAIL

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Dated this 4 day of June, 2012.



Cliven D. Bundy