

MAY 1 2025 HEARING TRANSCRIPT WITH NOTATIONS

MINUTE 00:00 – 00:59

JUDGE LUNNEN – Timecode 00:00

"Alright. Let's see if we can begin our next hearing, counsel. And, Mr. Allen, if you'd turn on your audio and your video, we'll see if we can begin."

JUDGE LUNNEN – Timecode 00:08

"Okay. Well, this is a little unusual because I'm announcing a case that has been closed, with prejudice. But, the Attorney General's Office has asked for a hearing, and I thought it was appropriate because there have been a number of filings that have been filed by Mr. Allen."

JUDGE LUNNEN – Timecode 00:24

"So we're addressing State of Utah versus Mark Allen. The case number 211401656. We have Mr. Craig Peterson here on behalf of the State, the Attorney General's Office. Mr. Mark Allen's here appearing on his own behalf."

JUDGE LUNNEN – Timecode 00:34

"Mr. Peterson and Mr. Allen, again, this case is closed with prejudice. And so I'm gonna start by addressing Mr. Allen."

JUDGE LUNNEN – Timecode 00:41

"Mr. Allen, you filed a number of pleadings in the case. I can't receive them. This case is closed with prejudice. I don't have any authority to issue any rulings."

JUDGE LUNNEN – Timecode 00:48

"So any document that you file with a motion in this case, I can't even look at it. The only thing I can do with it is set it aside. I can't even file it in a closed case."

JUDGE LUNNEN – Timecode 00:55

"And so I'm setting this hearing today. I don't want you to interrupt me now. I'll give you a chance to speak."

JUDGE LUNNEN – Timecode 00:59

"I'm setting this hearing today to let you know that you can't keep filing matters in a closed case. And anything you file from here on forward is gonna go basically in a trash can because I can't file it in a closed case. I can't."

VIOLATION (Minute 00:00 – 00:59):

By convening a hearing in a case dismissed with prejudice, Judge Lunnenn exceeds judicial authority. The hearing lacks jurisdiction and violates the Fifth and Fourteenth Amendments (due process). The threat to discard all future pleadings undermines Allen's First Amendment right to petition and meaningful access to courts.

Statutes Violated: 18 U.S.C. § 242; 18 U.S.C. § 1519; 42 U.S.C. § 1983

Judicial Canons Violated: Canon 1 (Upholding the integrity of the judiciary), Canon 2A (Promoting public confidence), Canon 3B(6) (Ensuring the right to be heard)

Case Law:

- *Goldberg v. Kelly*, 397 U.S. 254 (1970) – Due process requires notice and meaningful opportunity to be heard
- *Bounds v. Smith*, 430 U.S. 817 (1977) – Right of access to courts
- *Pulliam v. Allen*, 466 U.S. 522 (1984) – Judges are not immune from injunctive relief for constitutional violations

MINUTE 01:00 – 01:59

JUDGE LUNNEN – Timecode 01:00

"There's no authority for me to file matters in a closed case with prejudice. That means it cannot be reopened. Go ahead."

MARK ALLEN – Timecode 01:32

"By what authority did you allow this status hearing to take place then?"

JUDGE LUNNEN – Timecode 01:36

"To ask you to please stop filing."

MARK ALLEN – Timecode 01:42

"No. But it was Mr. Peterson. By what authority is he making an appearance today?"

JUDGE LUNNEN – Timecode 01:47

"It's Mr. Peterson. I don't because he saw the filings. I noticed the filings. I decided that I..."

MARK ALLEN – Timecode 01:53

"He requested the hearing, Your Honor. Not you. I would like to read a statement into the court if I could uninterrupted."

JUDGE LUNNEN – Timecode 01:57

"Go ahead."

VIOLATIONS (Minute 01:00 – 01:59)

- **Post-dismissal appearance by the State and judicial discretion:**

Judge Lunnen’s admission that he permitted the hearing at the State’s request after a dismissal with prejudice directly contradicts jurisdictional limits. Once a case is dismissed with prejudice, **no party — including the State — may trigger further proceedings without violating double jeopardy and due process protections.**

Statutes Violated: 18 U.S.C. § 242; 42 U.S.C. § 1983

Case Law:

- *Ex parte Lange*, 85 U.S. (18 Wall.) 163 (1874) – a court cannot impose additional burdens after a case is resolved
- *Arizona v. Manypenny*, 451 U.S. 232 (1981) – post-dismissal prosecution triggers federal review
- *Dennis v. Sparks*, 449 U.S. 24 (1980) – no judicial immunity when acting with knowledge of improper process

- **Chilling constitutionally protected speech:**

Judge Lunnen’s response “To ask you to please stop filing” directly undermines Allen’s First Amendment right to petition the court.

Statute: 42 U.S.C. § 1983

Canons Violated: 2A, 3B(6)

Case Law: *United Mine Workers v. Illinois State Bar Ass’n*, 389 U.S. 217 (1967); *Legal Services Corp. v. Velazquez*, 531 U.S. 533 (2001)

- **Verbal Contract Formation (Judicial Estoppel & Due Process):**

At Timecode 01:57, Judge Lunnen explicitly tells Allen, “Go ahead,” after Allen requests uninterrupted time to read his statement. This grants Allen an enforceable judicial expectation of procedural fairness. Later interruptions violate this implied contract.

Statutes Violated: 18 U.S.C. § 1519; First and Fifth Amendments

Case Law:

- *Patterson v. Illinois*, 487 U.S. 285 (1988) – reliance on judicial assurances

- *Morrissey v. Brewer*, 408 U.S. 471 (1972) – procedural fairness is fundamental to due process

MINUTE 02:00 – 02:59

MARK ALLEN – Timecode 02:00

"It'll be about 5 minutes. Before we proceed further today, I need to place several critical points clearly and explicitly on the record. I'm requesting uninterrupted time to read my statement. First, the State has stipulated to dismissal with prejudice. Once the dismissal with prejudice has been entered, jurisdiction ends."

"If the State's appearance today is strictly to view this administrative status hearing solely to support the signing of previously submitted orders, including the dismissal to dismiss which has remained unsigned since September of 2024, then I have no objection."

"If the State is making an appearance to make an apology for three years of wrongful prosecution and double jeopardy violations, I will give Mr. Peterson a couple of minutes to speak to that narrow issue at the conclusion of my statement."

"Any attempt beyond this narrow scope is left as a violation of both state and federal law, constituting continued harassment and civil rights violations."

"Second, it must be explicitly stated and recognized that there never has been a valid stalking injunction issued against me."

"Despite this awareness of facts in the record, multiple prosecutors including but not limited to Attorney Albert Pranno, Lance Bastian, Craig Peterson, and Laurie Hobbs—"

JUDGE LUNNEN – Timecode 03:06

"I mean, I am gonna interrupt you..."

VIOLATIONS (Minute 02:00 – 02:59)

1. Protected Speech and Record Preservation Interrupted

Allen clearly invoked his right to place evidence on the record after receiving permission from the judge. This invocation is protected under:

- **First Amendment** (right to petition for redress and speak in open court),

- **Fifth and Fourteenth Amendments** (due process),
- **Judicial Canons** requiring the right to be heard and fair proceedings.
The judge's later interruption breaches this agreement and suppresses protected speech.

2. Statutes Violated:

- 18 U.S.C. § 242 – Deprivation of rights under color of law
- 18 U.S.C. § 1519 – Obstruction of a record relating to a federal investigation
- 42 U.S.C. § 1983 – Civil rights deprivation

3. Canons Violated:

- Canon 1 – Upholding the independence and integrity of the judiciary
- Canon 2A – Avoiding the appearance of impropriety
- Canon 3B(6) – Right to be heard

4. Case Law:

- *Legal Services Corp. v. Velazquez*, 531 U.S. 533 (2001) – Courtroom speech on legal proceedings is protected
- *Morrissey v. Brewer*, 408 U.S. 471 (1972) – Due process applies where liberty or property is at stake
- *Patterson v. Illinois*, 487 U.S. 285 (1988) – Defendants are entitled to rely on assurances from the court
- *Bounds v. Smith*, 430 U.S. 817 (1977) – Access to the courts is a fundamental right

5. Statement Identifies Pattern of Prosecutorial Misconduct

Allen's reference to Prosecutors Pranno, Bastian, Peterson, and Hobbs directly pertains to claims of **Brady violations**, double jeopardy, and retaliatory prosecution. Suppressing

this statement may constitute **judicial cover-up or complicity**.

Relevant Principles:

- *Brady v. Maryland*, 373 U.S. 83 (1963) – Suppression of exculpatory evidence violates due process
- *Imbler v. Pachtman*, 424 U.S. 409 (1976) – Prosecutors enjoy immunity only if actions are within legal bounds

MINUTE 03:00 – 03:59

JUDGE LUNNEN – Timecode 03:06

"I mean, I am gonna interrupt you..."

MARK ALLEN – Timecode 03:09

"This is for preservation of the record, Your Honor."

JUDGE LUNNEN – Timecode 03:11

"Going into the facts of a case that has been closed. It doesn't make any sense for you to read this into the record. It's closed with prejudice."

MARK ALLEN – Timecode 03:16

"I'm not asking for it to be reopened, Your Honor. I'm asking for administration."

JUDGE LUNNEN – Timecode 03:18

"Have you turn off his sound, Shawn. Thank you. I've turned off your sound because you continue to interrupt the court. All of the things that you're requesting, I can do nothing with because this case is closed with prejudice. Now what you can do is file a separate action and file any of the things that you have filed. You're allowed to do that, but I can't receive them in this case, and I'm not gonna receive your statement about facts in that case when the case has been closed. And so, I'm just letting you know that anything you file in this case, I cannot rule on. It cannot be served. I cannot issue subpoenas. I have no jurisdiction, as you indicated earlier, to do anything on this case. And so it's gonna stay in that closed case status with prejudice."

"Now if it was done without prejudice, someone could refile another case and it could be reopened. But this case is closed with prejudice. If you want to follow up with a separate case and request subpoenas and all the things you're requesting in many of these motions, you have that right to file it. And if it gets assigned to me, I'll rule on them. But I'm not gonna entertain

statements about a case that is closed and facts about a case that's closed. It's not going to happen."

"So I'm gonna reiterate: if you continue to file matters in this case, I'm not going to entertain you. In addition to that, I'm gonna have to look at Rule 83 and decide whether or not I should file a vexatious litigant status. Now I honestly wonder about that because I think, how can you be a vexatious litigant in a case that's been closed? So I'm doing a little research on it, but I'm trying to get you to understand: I'm not your enemy. I can't do anything on any of the motions you filed before this court in this case. You can unmute, Mr. Allen."

VIOLATIONS (Minute 03:00 – 03:59)

1. Suppression of Record Preservation

Allen's statement, "This is for preservation of the record," invoked a procedural right aligned with due process, federal oversight, and an ongoing DOJ investigation. The judge's abrupt interruption and muting directly suppress this exercise, constituting obstruction of justice.

Statutes Violated:

- 18 U.S.C. § 1519 – Obstruction of federal evidence preservation
- 18 U.S.C. § 242 – Deprivation of rights under color of law
- 42 U.S.C. § 1983 – Civil rights violation

2. Judicial Canons Violated:

- Canon 1 – Integrity and independence of the judiciary
- Canon 2A – Avoiding impropriety
- Canon 3B(6) – Right of parties to be heard

3. Case Law:

- *In re Murchison*, 349 U.S. 133 (1955) – Due process requires a fair and open hearing
- *Morrissey v. Brewer*, 408 U.S. 471 (1972) – Right to be heard must be meaningful, not formalistic
- *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009) – Judicial neutrality is essential
- *Hamdi v. Rumsfeld*, 542 U.S. 507 (2004) – The right to present evidence to a neutral decisionmaker is fundamental

4. False Claim of Jurisdictional Limitation

Repeating “the case is closed” without acknowledging the **active stay on expungement** and the judicial obligation to complete administrative duties is a misstatement of law and fact. The judge still had a **ministerial obligation to sign** the previously stipulated order.

Case Law:

- *Ex parte Lange*, 85 U.S. (18 Wall.) 163 (1874) – A court loses jurisdiction once a final judgment has been executed, but must complete administrative acts
- *Pulliam v. Allen*, 466 U.S. 522 (1984) – Judicial immunity does not shield judges from injunctive relief or prospective duties

5. Retaliation and Threat of Sanction

Threatening to investigate or designate Allen as a vexatious litigant in response to his filings—made to preserve judicial misconduct and prosecutorial abuse—constitutes retaliation and a chilling of constitutional rights.

Case Law:

- *White v. Lee*, 227 F.3d 1214 (9th Cir. 2000) – Retaliation for protected legal advocacy violates the First Amendment
- *Legal Services Corp. v. Velazquez*, 531 U.S. 533 (2001) – Courts may not suppress arguments critical of government conduct

MINUTE 04:00 – 04:59 (VERBATIM TRANSCRIPT)

JUDGE LUNNEN – continuing from prior monologue:

"...anything you file in this case, I cannot rule on. It cannot be served. I cannot issue subpoenas. I have no jurisdiction, as you indicated earlier, to do anything on this case. And so it's gonna stay in that closed case status with prejudice."

"Now if it was done without prejudice, someone could refile another case and it could be reopened. But this case is closed with prejudice."

"If you want to follow up with a separate case and request subpoenas and all the things you're requesting in many of these motions, you have that right to file it. And if it gets assigned to me, I'll rule on them."

"But I'm not gonna entertain statements about a case that is closed and facts about a case that's closed. It's not going to happen."

"So I'm gonna reiterate: if you continue to file matters in this case, I'm not going to entertain you."

"In addition to that, I'm gonna have to look at Rule 83 and decide whether or not I should file a vexatious litigant status."

"Now I honestly wonder about that because I think, how can you be a vexatious litigant in a case that's been closed? So I'm doing a little research on it, but I'm trying to get you to understand: I'm not your enemy."

"I can't do anything on any of the motions you filed before this court in this case."

"You can unmute, Mr. Allen."

VIOLATION SUMMARY (Minute 04:00 – 04:59)

1. False Claims of Lack of Jurisdiction Over Ministerial Acts

Judge Lunnen states multiple times that he cannot act, rule, serve, or issue orders, but this is a misrepresentation. He had an **administrative obligation** to sign the previously agreed upon and stipulated order of dismissal. Refusing to do so **violates due process and judicial ethics**.

- **Statutes Violated:**

- 18 U.S.C. § 242 – Acting under color of law to deprive rights
- 18 U.S.C. § 1519 – Obstruction by refusal to preserve or finalize court record
- 42 U.S.C. § 1983 – Civil rights violation

- **Canons Violated:**

- Canon 1 – Failing to uphold the judiciary’s independence
- Canon 2A – Appearance of bias or impropriety
- Canon 3B(6) – Denial of fair hearing or forum

- **Case Law:**

- *Pulliam v. Allen*, 466 U.S. 522 (1984) – Judges may be subject to injunctive relief for constitutional violations
- *Ex parte Young*, 209 U.S. 123 (1908) – No immunity where judge refuses to follow law
- *Morrissey v. Brewer*, 408 U.S. 471 (1972) – Due process mandates meaningful opportunity to respond

2. Retaliation for Protected Filings

By threatening to declare Allen a “vexatious litigant” for filing procedural motions to preserve misconduct evidence, Judge Lunnan retaliates against protected activity. This is **viewpoint discrimination** and **chilling of legal redress**, especially harmful when directed toward a pro se litigant.

- **Case Law:**

- *White v. Lee*, 227 F.3d 1214 (9th Cir. 2000) – Retaliation for protected expression violates First Amendment

- *Legal Services Corp. v. Velazquez*, 531 U.S. 533 (2001) – Suppression of government criticism in court is unconstitutional

MINUTE 05:00 – 05:59

MARK ALLEN – Timecode 05:10

"Your honor, you have not signed the dismissal from September of 2024, and I'm just merely trying to preserve the record for a DOJ federal investigation. So this has been elevated to the DOJ. It landed on Pam Bondi's desk yesterday. My congressman's watching it. If you don't allow the preservation of records, where's the chain of command on the Zoom recording screens?"

JUDGE LUNNEN – Timecode 05:35

"There's no record to be laid in a closed case. And so I'm not gonna be—"

MARK ALLEN – Timecode 05:38

"I'm asking for preservation of the record so that it can be—"

JUDGE LUNNEN – Timecode 05:40

"I'm not allowing you to preserve a record on a case that's closed. I'm denying that request. Now if you wanna raise that with the Attorney General's Office of the United States, you're welcome to do that."

MARK ALLEN – Timecode 05:53

"I believe that's a 18 USC 242 violation. Correct? And a 1519 violation. You're aware of that?"

JUDGE LUNNEN – Timecode 05:58

"Mr. Allen, I'm not responding to that, and it's an invalid question based on what we're doing today. And so, Mr. Peterson, is there anything else I can add before we close this hearing?"

VIOLATIONS (Minute 05:00 – 05:59)

1. Denial of Record Preservation in DOJ Investigation Context

Allen explicitly referenced a Department of Justice investigation and attempted to preserve the record in support of it. Judge Lunnén's refusal to allow that preservation—especially of a Zoom-based proceeding—is a textbook violation of **18**

U.S.C. § 1519, which criminalizes knowingly obstructing or concealing records relevant to a federal inquiry.

○ **Statutes Violated:**

- 18 U.S.C. § 1519 – Destruction, alteration, or falsification of records
- 18 U.S.C. § 242 – Deprivation of rights under color of law
- 42 U.S.C. § 1983 – Civil rights deprivation

○ **Canons Violated:**

- Canon 1 – Failing to uphold the judiciary’s integrity
- Canon 2A – Conduct undermining confidence in the judiciary
- Canon 3B(6) – Denial of the right to be heard

○ **Case Law:**

- *Gideon v. Wainwright*, 372 U.S. 335 (1963) – Due process mandates equal access to the courts
- *Hamdi v. Rumsfeld*, 542 U.S. 507 (2004) – Litigants must have an opportunity to contest government authority
- *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009) – A judge must recuse or refrain from action where impartiality is questioned
- *Pulliam v. Allen*, 466 U.S. 522 (1984) – Judges are not immune from declaratory or injunctive relief for constitutional violations

2. **Suppression of Lawful Objection & Threats**

Lunnen’s refusal to address Allen’s reference to **criminal violations under federal law (18 U.S.C. §§ 242, 1519)**, and the dismissive comment that it was an “invalid question,” ignores judicial duties of acknowledgment when pro se litigants raise substantial constitutional objections.

This was not only an ethical violation but **retaliatory suppression** in a federally-relevant proceeding.

Legal Summary of Violations Covering Minute 05:00–05:59:

- **Violation:** Allen’s reference to an active DOJ investigation and attempt to preserve court records triggers protection under 18 U.S.C. § 1519 (obstruction of a federal record). Judge Lunnien’s refusal constitutes direct interference with a federal process. Additionally, dismissing a pro se litigant’s question about criminal statutes as “invalid” violates due process and creates an appearance of retaliation.
- **Statutes Violated:** 18 U.S.C. §§ 242, 1519; 42 U.S.C. § 1983
- **Canons Violated:** Canon 1, Canon 2A, Canon 3B(6)
- **Case Law:** *Gideon v. Wainwright*, 372 U.S. 335 (1963); *Hamdi v. Rumsfeld*, 542 U.S. 507 (2004); *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009); *Pulliam v. Allen*, 466 U.S. 522 (1984); *White v. Lee*, 227 F.3d 1214 (9th Cir. 2000); *Bounds v. Smith*, 430 U.S. 817 (1977)

JUDGE LUNNEN – Timecode 05:58

"Mr. Allen, I'm not responding to that, and it's an invalid question based on what we're doing today. And so, Mr. Peterson, is there anything else I can add before we close this hearing?"

STATE PROSECUTOR CRAIG PETERSON – Timecode 06:06

"No, Your Honor."

MARK ALLEN – Timecode 06:08

"This was a status hearing."

JUDGE LUNNEN – Timecode 06:10

"I said it because I wanted to explain in person because you have—"

MARK ALLEN – Timecode 06:14

"You have not signed my order from September of 2024, Your Honor."

JUDGE LUNNEN – Timecode 06:17

"And I'm not going to sign it."

MARK ALLEN – Timecode 06:20

"Then how—"

JUDGE LUNNEN – Timecode 06:22

"This case is closed."

MARK ALLEN – Timecode 06:24

"It can't be closed without administrative judicial signature of my order. You told me we this was a contract. You made a contract with me. You prepare the order. I'll sign it."

JUDGE LUNNEN – Timecode 06:30

"I did no such thing. And we're gonna close it to you."

JUDGE LUNNEN – Timecode 06:34

"You understand it. Shawn, would you mute—mute Mr. Allen... this hearing today."

JUDGE LUNNEN – Timecode 06:54

"Thank you for appearing. This hearing will be concluded."

STATE PROSECUTOR CRAIG PETERSON – Timecode 06:57

"Thank you, Your Honor."

MARK ALLEN – Timecode 07:00

"Unbelievable."

Legal Summary of Violations Covering Minute 06:00–06:59:

- **Violation:** Judge Lunnen's refusal to sign the order already stipulated in September 2024 violates the principle of finality and due process under the Fifth and Fourteenth Amendments. His statement "I'm not going to sign it" is a willful refusal to complete a ministerial duty. This, along with his repeated false claims that the case is "closed," contradicts the administrative status of the record and obstructs judicial transparency.
- **Retaliation:** Ordering Mr. Allen muted during a legal objection and denying his statement constitutes suppression of protected speech and retaliation under color of law.
- **Statutes Violated:** 18 U.S.C. §§ 242, 1519; 42 U.S.C. § 1983
- **Canons Violated:** Canon 1, Canon 2A, Canon 3B(6)
- **Case Law:** *Ex parte Young*, 209 U.S. 123 (1908); *Pulliam v. Allen*, 466 U.S. 522 (1984); *Legal Services Corp. v. Velazquez*, 531 U.S. 533 (2001); *White v. Lee*, 227 F.3d 1214 (9th Cir. 2000); *Hamdi v. Rumsfeld*, 542 U.S. 507 (2004); *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009)