

Mark Allen
Address: (Protected)
Whistleblower Protection Invoked

IN THE FOURTH JUDICIAL DISTRICT COURT
UTAH COUNTY, STATE OF UTAH
137 N Freedom Blvd.
Provo Utah 84601

JUDGE GRAF

V.

MARK STEWART ALLEN, hereafter
reference as M.S.A or “Respondent”

*(Relating Solely to Rule 83 Vexatious Motion
and Double Jeopardy Proceedings)*

**PETITION & MOTION FOR
CONSOLIDATED NOTICE TO SUBMIT
FOR DECISION and**

**[PROPOSED ORDER] ON
CONSOLIDATED NOTICE TO SUBMIT**

Notice to Submit for Decision backlog

Case No. 211401656

Judge: Graf

COMES NOW Respondent, **Mark Stewart Allen**, appearing pro se, and respectfully moves this Court to enter the attached **[Proposed] Consolidated Order on Notice to Submit (Part II of this Exhibit F)**.

This Motion is necessary because numerous motions, petitions, and notices to submit dating back to **August 2024** remain unresolved. The docket reflects unsigned orders, unruled Notices to Submit, and preservation filings that have yet to be certified or corrected. These omissions are not the fault of Respondent but of prior judicial inaction.

The **[Proposed] Order** is designed to consolidate these matters into one checklist, to ensure transparency, accuracy, and efficiency, without multiplying filings or burdening the Court.

GROUNDNS

1. **Post-Dismissal Jurisdiction** – The underlying case was dismissed with prejudice on **September 20, 2024**. Adversarial jurisdiction ended on that date. The Court’s authority is limited to ministerial duties: record certification, docket correction, stipulation enforcement, and provision of records. *Ex parte Lange*, 85 U.S. 163 (1874); *Gregory v. Shurtleff*, 2013 UT 18.
2. **Duty to Certify & Preserve Records** – The Utah Constitution, UCJA 4-201 & 4-202.02, URCP 52(d) & 60(a), and Utah Code § 78A-2-208 impose nondiscretionary duties to preserve, correct, and certify the record. Failure to do so denies due process. *Chess v. Smith*, 617 P.2d 341 (Utah 1980); *Draper v. Washington*, 372 U.S. 487 (1963).
3. **Notices to Submit Remain Unruled** – Multiple filings (August 2024 through August 2025) were noticed for submission yet never addressed. This creates docket ambiguity and prevents meaningful appellate or federal review.
4. **Federal Oversight** – Because VOCA funding was drawn down during duplicative prosecutions, and because Brady/Giglio material was withheld, a certified and accurate record is required for referral to DOJ, OIG, IRS, and Utah State Auditor. 42 U.S.C. § 1983; 18 U.S.C. §§ 242, 666, 1519.
5. **Judicial Economy & Transparency** – The attached checklist format ensures judicial economy and prevents further unnecessary motions. Certification is not discretionary — it is the lawful safeguard that separates administrative diligence from institutional complicity.

RELIEF REQUESTED

Respondent respectfully requests that this Court:

1. **Grant this Motion and enter the attached [Proposed] Consolidated Order (Part II of Exhibit F).**

2. Rule upon each outstanding motion or Notice to Submit (listed in the [Proposed] Order) so the docket is complete and accurate.
3. Order immediate production of certified records (transcripts, WebEx/Zoom recordings, docket index).
4. Sign the September 24, 2024 stipulation order of dismissal with prejudice.
5. Correct clerical errors and certify docket entries with metadata.
6. Waive all fees under indigency and constitutional protections.
7. Refer irregularities to DOJ, OIG, IRS, FBI, and Utah State Auditor for audit and oversight.

Respondent, appearing pro se, respectfully submits this **Consolidated Notice to Submit for Decision** pursuant to Utah R. Civ. P. 7(d).

This Notice consolidates all pending motions, petitions, and proposed orders that remain unresolved despite prior Notices to Submit filed between September 24, 2024 and August 13, 2025.

I. Checklist of Unresolved Filings

The following filings remain pending without signed rulings or orders:

- 08/12/2024** – Motion to Toll BCI Expungement Certificate + Proposed Order
- 09/12/2024** – Motion for Writ of Mandamus + Proposed Order
- 09/12/2024** – Motion for Grand Jury Investigation + Proposed Orders
- 09/24/2024** – (Proposed) Order to Dismiss with Prejudice by Stipulation of Parties
- 10/15/2024** – Notice to Submit Motion to Compel Signature of Dismissal Order
- 11/12/2024** – Request to Submit for Decision (General Preservation)
- 01/27/2025** – Motion for Certified Transcripts, Compel Signature, Proposed Orders
- 02/18–24/2025** – Motions & Proposed Orders for Federal Oversight / Preservation
- 03/07/2025** – Proposed Order to Correct Record, Dismiss w/ Prejudice, Toll Expungement
- 04/28/2025** – Motion to Compel Court Under URCP 7(d); Subpoenas (AG, Utah County)
- 05/16/2025** – Motion for Certified Record Preservation, Status Clarification + Proposed
- 06/03/2025** – Unified Motion to Compel Docketing, Preservation, GRAMA Appeal + Orders

- **06/03/2025** – Unified Motion to Compel Docketing, Preservation, GRAMA Appeal + Orders
 - **06/03/2025 (PROPOSED)** Order on Unified Motion to Compel Docketing, Record Preservation, Judicial Recusal, Grama Appeal and Multi-Agency Preservation Notice
 - **07/31/2025** – Motion for Ruling on Preservation Filings + Proposed Orders
 - **08/11/2025** – Petition for Administrative Preservation and Transcript Orders
 - **08/13/2025** – Petition for Transcript Preservation (re: hearings of 9/20/24, 5/1/25, 8/17/22)
-

II. Legal Basis for Relief

- **URCP 7(d)**: Requires the Court to decide motions once they are fully submitted.
 - **URCP 60(a)**: Clerical mistakes and omissions must be corrected so the record speaks the truth.
 - **Utah Code § 63G-2-604 (GRAMA)**: Requires retention and correction of records.
 - **Hill v. Hawes, 320 U.S. 520 (1944)**: Courts must correct records to reflect the truth.
 - **Chess v. Smith, 617 P.2d 341 (Utah 1980)**: Denial of an adequate record is denial of due process.
-

III. Relief Requested

Respondent respectfully requests that this Court:

1. **Rule on each pending filing listed above**, either by granting, denying, or clarifying its disposition.
2. **Order immediate production of certified records** (transcripts, WebEx/Zoom recordings, docket index).
3. **Sign the Proposed Orders already submitted**, including the September 24, 2024 dismissal order by stipulation.

4. **Explain on the record** why any filing has not been addressed, so the docket is accurate and reviewable.
-

IV. Closing

The Court itself has stated: *“An incomplete record does not allow for good decision-making.”*

That principle governs here. Respondent does not seek to multiply filings; rather, this consolidated checklist is submitted so the Court may discharge its ministerial duties in a transparent and accountable manner.

Judicial Reminder

This Court inherits a record marked by unresolved Notices to Submit, unsigned orders, and unfulfilled preservation duties dating back to September 20, 2024.

These omissions are not the fault of Respondent but of prior judicial inaction.

The Rule 83 motion now before the Court arises directly from that backlog.

Before taking any further action, the Court is respectfully reminded that proceeding without first certifying transcripts, WebEx/Zoom hearings, and docket indices risks transferring the stain of prior misconduct onto the successor judge. Certification is not discretionary — it is the lawful and mandatory safeguard that separates administrative diligence from institutional complicity.

Respondent consolidates all prior Notices to Submit and Proposed Orders into this filing, but reduces the relief sought in the attached [Proposed] Order to only those items necessary for certification, correction, and compliance. This ensures judicial economy and prevents unnecessary duplication

Respectfully submitted,

Mark Stewart Allen
Respondent, Pro Se

9-19-2025

Mark Allen
Address: (Protected)
Whistleblower Protection Invoked

IN THE FOURTH JUDICIAL DISTRICT COURT
UTAH COUNTY, STATE OF UTAH
137 N Freedom Blvd.
Provo Utah 84601

JUDGE GRAF

V.

MARK STEWART ALLEN, hereafter
reference as M.S.A or “Respondent”

[PROPOSED] CONSOLIDATED ORDER
— NOTICE TO SUBMIT FOR DECISION

Notice to Submit for Decision backlog

Case No. 211401656

Judge: Graf

Jurisdictional Clarification & Constitutional Safeguards

This matter arises **post-dismissal with prejudice** (September 20, 2024). Once dismissal with prejudice entered, the State of Utah lost standing. No prosecutorial or State filings may be entertained thereafter. The Court’s remaining role is strictly **administrative and ministerial**: to correct, certify, and provide access to accurate records.

- **United States v. L.A. Tucker Truck Lines, Inc., 344 U.S. 33, 38 (1952)**: Courts cannot act where jurisdiction is absent.
- **Ex parte Lange, 85 U.S. 163 (1874)**: Once judgment is final, a court cannot extend jurisdiction.

- **Gregory v. Shurtleff, 2013 UT 18, 299 P.3d 1098:** Standing doctrine in Utah requires a live legal interest; “public importance” cannot substitute for jurisdiction.
- **Chess v. Smith, 617 P.2d 341 (Utah 1980):** Denial of an adequate record deprives a litigant of due process.
- **Draper v. Washington, 372 U.S. 487 (1963):** A defective record itself constitutes denial of due process.
- **Griffin v. Illinois, 351 U.S. 12 (1956); Mayer v. Chicago, 404 U.S. 189 (1971):** Right of indigent litigants to transcripts and records at State expense.
- **Brady v. Maryland, 373 U.S. 83 (1963); Giglio v. United States, 405 U.S. 150 (1972):** Exculpatory material must be disclosed; suppression violates due process.
- **Bill Johnson’s Restaurants v. NLRB, 461 U.S. 731 (1983):** Retaliatory litigation chills the right to petition.
- The Court, having reviewed Respondent’s Consolidated Notice to Submit for Decision and the record in Case No. 211401656, hereby rules as follows on each pending filing:

09/24/2024 – (Proposed) Order to Dismiss with Prejudice by Stipulation of Parties

GRANTED DENIED OTHER

03/07/2025 – (Proposed) Order to Correct Record, Dismiss w/ Prejudice, Toll Expungement

GRANTED DENIED OTHER

04/28/2025 – (Proposed) Order of Administrative Preservation of Records for Federal Screening and State of Utah Auditor

GRANTED DENIED OTHER

06/03/2025 (Proposed) Order on Unified Motion to Compel Docketing, Record Preservation, Judicial Recusal, Grama Appeal and Multi-Agency Preservation Notice

GRANTED DENIED OTHER

08/11/2025 – Petition for Administrative Preservation and Transcript Orders

GRANTED DENIED OTHER

08/13/2025 – Petition for Certified Webex Videos / Transcripts (re: hearings of 9/20/24, 5/1/25, 8/17/22)

GRANTED DENIED OTHER

08/13/2025 – Petition for Certified Webex VIDEO hearings (9/20/24, 5/1/25, 8/17/22)

GRANTED DENIED OTHER

08/13/2025 – Petition for Court Certified Transcripts of hearings (9/20/24, 5/1/25, 8/17/22)

GRANTED DENIED OTHER

Petition for Certified Webex VIDEO all hearings in case 190400132 “*defacto same case*”.

GRANTED DENIED OTHER

Preservation Under GRAMA and Public Access Until Expungement Per Motion of Mark Allen

Administrative vs. Punitive Authority

Post-dismissal, the Court has no adversarial jurisdiction.

Administrative authority is bounded by **non-discretionary duties**:

- Correct clerical mistakes (URCP 60(a), Rule 52(d))
- Preserve and certify records (UCJA 4-201, 4-202.02; Utah Code § 78A-2-208)
- Enforce stipulations as contracts (U.S. Const. Art. I, § 10; ITT Continental Baking Co., 420 U.S. 223 (1975))
- Provide access to records without indigency barriers (GRAMA §§ 63G-2-201, -203(4)(a))

Punitive Rule 83 filings post-dismissal are *ultra vires* and void.

CHECKLIST OF REQUIRED ADMINISTRATIVE ACTIONS

Certified Court Transcripts — Order all certified transcripts produced for Case No. 211401656 and associated matters. Fees waived per Griffin, Mayer, Utah Code § 78A-2-208, GRAMA § 63G-2-203(4)(a).

Certified WebEx/Zoom Recordings — Produce certified recordings for all video hearings and zoom screenings in Case Nos. 171402280, 191400132, 211401656. Authority: UCJA 4-202.02; Utah Code § 78A-2-208.

Certified Docket Ledger with Metadata — Order clerk to produce an authenticated docket ledger with metadata trail, certifying no alteration/backdating. Authority: URCP 60(a); UCJA 4-201.

Clerical Corrections — Correct contradictory entries (dismissals with and without prejudice, amended minutes, etc.) so the record speaks the truth. Authority: Hill v. Hawes, 320 U.S. 520 (1944); State v. Winward, 941 P.2d 627 (Utah Ct. App. 1997).

Contract Obligation — Enforce Judge Lunnen’s September 20, 2024 oral ruling to dismiss with prejudice and toll expungement. Authority: Santobello v. New York, 404 U.S. 257 (1971); Restatement (Second) of Contracts § 90.

Trespass Notice Chain-of-Custody — Identify who authored, approved, and circulated the Trespass Notice against Respondent. Authority: Utah Const. Art. I, § 7.

VOCA Funding Ledgers & Certifications — Produce all VOCA funding ledgers (Exhibits D1–D6 on file) and the withheld ledgers for 2022–2023 to identify drawdowns, payroll reimbursements, and approving officials. Authority: 18 U.S.C. §§ 666, 1519; 34 U.S.C. § 20110.

Referral Obligation — Refer matter to DOJ, OIG, FBI, IRS, and the Utah State Auditor for forensic audit of recordkeeping failures, Brady/Giglio violations, and VOCA fund usage. Authority: 42 U.S.C. § 1983; 18 U.S.C. § 242.

CONSTITUTIONAL RIGHTS CHECKLIST

Right to accurate record (Chess; Draper; Griffin)

Right to exculpatory evidence (Brady; Giglio)

Right to petition without retaliation (Bill Johnson’s)

Right to equal protection and due process (U.S. Const. Amend. V, XIV; Utah Const. Art. I §§ 7, 11, 24)

Further Ordered

- All certified court transcripts, WebEx/Zoom recordings, and clerk indices **shall be provided** to Respondent as required by law.
- All clerical errors and omissions in the docket **shall be corrected** under URCP 60(a) and Utah Code § 63G-2-604.
- URCP 52(a)–(d): Requires the Court to make findings and, upon motion, correct or supplement findings to ensure the record accurately reflects proceedings.
- Any fees for production of certified records **are waived** due to Respondent's PROSECUTORIAL INDUCED indigency and constitutional necessity of access.

SO ORDERED.

Dated: _____

Judge Graf of the Fourth District Court

INTENTIONALLY LEFT BLANK

9-19-2025