

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

IN RE:

AMERICAN GRAND JURY
a/k/a SUPER GRAND JURY II

)
)
) NO. 3:09-mc-0215
) JUDGE CAMPBELL
)

ORDER

The Court is in receipt of certain documents identified as "Grand Jury Presentments," filed by Mack H. Ellis. The documents purport to represent grand jury presentments for fraud, treason and election fraud against President Barack Obama, Nancy Pelosi and the Democratic National Convention.

The Fifth Amendment provides that "no person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury...." U.S. Const. Amend. V. Although presentments are constitutionally permitted, there is no authority under the Federal Rules of Criminal Procedure or in the statutes of the United States for this Court to accept one. *United States v. Briggs*, 514 F.2d 794, 803 n.14 (5th Cir. 1975); *Gaither v. United States*, 413 F.2d 1061, 1065 n.1 (D.C. Cir. 1969); *see also United States v. Cox*, 342 F.2d 167, 184 (5th Cir. 1965) (Brown, J., concurring).


Furthermore, grand juries are convened by the court for the district in which they sit. *See Fed. R. Crim. P. 6(a)(1); In re Grand Jury*, 490 F.3d 978, 986 (D.C. Cir. 2007) ("the district court itself convenes and supervises the grand jury proceedings."). Grand jurors are also to be selected at random from a fair cross section of the district in which they are convened. 28 U.S.C. § 1861.

The individuals who have made this presentment were not convened by this Court to sit as a grand jury nor have they been selected at random from a fair cross section of this district. In addition, the individuals who have made this presentment did not meet under the supervision of any district

court and, in fact, convened online rather than in person. Any self-styled indictment or presentment issued by such a group has no force under the Constitution or laws of the United States.

As such, leave to file this presentment is hereby DENIED. Further, though the papers presented to the Clerk of Court shall not be filed, they shall be assigned a miscellaneous number along with this Order for the Court's record.

IT IS SO ORDERED.


TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE