RECEIVED

https

MAR 27 2018

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

DEBORAH S. HUNT, Clerk Case Number: 18-1292 (ksf)				
		ase Name: Dean Kibbe v. USA		
	Na	me: Dean R. Kibbe		
	A	ddress: 1223 Union Street		
	Ci	ty: Port Huron State: MI Zip Code: 48060		
	PRO SE APPELLANT'S BRIEF			
	ad yo	rections: Answer the following questions about the appeal to the best of your ability. Use ditional sheets of paper, if necessary, not to exceed 30 pages. Please print or write legibly, or type ur answers double-spaced. You need not limit your brief solely to this form, but you should be rtain that the document you file contains answers to the questions below. The Court prefers short d direct statements.		
	W	Vithin the date specified in the briefing letter, you should return one signed original brief to:		
~		United States Court of Appeals For The Sixth Circuit 540 Potter Stewart U.S. Courthouse 100 East Fifth Street Cincinnati, Ohio 45202-3988		
	1.	Did the District Court incorrectly decide the facts? Yes No		
		If so, what facts? My testimony proves data and spy activities exist. Record keepers white listed spy activities and search was not in good faith. McAfee proves DODNIC hacking. Essential pages in Complaint were redacted unlawfully in district court, (See attached unredacted versions). Veterans with PTSD are not moot.		
	2.	Do you think the District Court applied the wrong law? Yes No		
		If so, what law do you want applied?		
		44 U.S.C. Chapter 31		
		Roe v. Wade		

3. Do you feel that there are any others reasons why the District Court's judgment was wrong?

If so, what are they?

Findings of fact are presumed to be true for purposes of summary judgment. If this story was reported as fact in the news, no reasonable jury would say that I have no cause of action. The constitution is a bunch of statutes which makes promises of justice, even if it requires judicial construction in equity...

4. What specific issues do you wish to raise on appeal?

J.F.K. autopsy reports alone, Doc #1 Pg ID 20 and Pg ID 22 verify "Crack and Splatter" method in J.F.K. assassination. Pg ID 20: "...Upon reflecting the scalp multiple complete fracture lines are seen to radiate from both the large defect at the vertex and the smaller wound at the occiput...", findings of fact outside the area of expertise of lawyers and court judges. I carried those files to a chopper daily. My testimony proves those records are priceless enough to preserve to extremes and do exist. Affidavit of a librarian nearly 50 years later has no credibility. Librarian is an agent of record keepers. Since the record keepers white listed and deceitfully misfiled data, the search is not in good faith. Motion for Perpetual Mandatory Injunction and combat veterans with PTSD are not moot, as without medical Marijuana my reply was lost, the case is still alive in appeal, and PTSD continues for myself and others. Unredacted McAfee trace verifies DODNIC hacking...

- 5. What action do you want the Court of Appeals to take in this case?
 - (1) Grant my Motion for Perpetual Mandatory Injunction;
 - (2) Grant a Permanent Injunction according to paragraphs 21 and 22, (Doc # 1 Pg ID 9 and 10); and,
 - (3) Grant Order for defendants to provide all spy records for 1st CAG, 11-1968

I certify that a copy of this brief was sent to opposing counsel via U.S. Mail on the 26th day of MAFCh, 2018.

Signature (Notary not required)

6CA-70

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

DEAN R. KIBBE,

Plaintiff-Appellant

Case No.: 18-1292

VS.

UNITED STATES OF AMERICA

Defendant-Appellee

COVER SHEET

Following are twenty pages of unredacted versions of essential pages in the original Complaint, (Doc #1), in the district court, which were unlawfully redacted in the Eastern District of Michigan. Please note that it is critical that these documents be scanned at a high resolution in full color.

```
KEYS TO SCHEMATIC DIAGRAMS LABELED II M 1, II N 1, II 0 1
 U=up, D=down, L=left, R=right, 1=one major grid square,
 .l=one minor grid square
 Key to: II M 1=
      from point A:
to D 4.5: bottom floor of bunker.
to L 3.0: interior wall of bunker.
D 1.0,L2.0:point on wall (exterior)
D 2.2.L 3.2:point on vertical roof pillar.
D 2.2.L 3.7:point on horizontal roof pillar.
D 2.2.L 4.4: point on roof of bunker.
D 4.0.L .5:point on doorway threshold.
D 4.0.L 2.0:point on wall (interior).
D 6.0.L 2.4: point on raised floor.
Key to: II N 1:
     from point A:
U 3.0: point on roof of bunker.
U .8.L 2.8 to U .8.R 1.8: raised floor.
U 2.0: point on horizontal roof pillar.
U 1.6.R 2.0: point on vertical roof pillar.
D 1.6: point on bottom floor.
D.1.1.R 2.0:point on doorway threshold.
U .8.R. 1.0: improvised pillow area.
point A:point on wall (exterior).
```

Doc #1 Pg ID 26

Three dashed lines beginning at left of diagram (slightly

shorter dashes and raising upward to right: potential

field of fire from direction of outside of perimeter.

Four dashed lines beginning at right of diagram (slightly larger dashes) and lowering downward to left:potential field of fire from direction of center of compound.

Key to II 0 1:

from point A:

U 2.0: point on ripped cot in bunker

U 1.0.R. 2.5: point on horizontal roof pillar

D .1.L 3.0: point on M-60 machine gun

D .7.5 3.0: point on wall toward perimeter

D .9.L 3.1: point on claymore trigger

D 3.4: point on bayonet fixed M-16 rifle

D 2.55.R. 2.95 to D 2.40.L.95: functional trajectory

D 2.40.R 1.80 to D 3.0.R 1.8: pillow area

D 2.50.R 1.95: point of aim, point on position of head at time of aim; (bull's eye).

D 2.90.R 1.80: turned head, point on position of head, time of impact.

D 2.40.L .95: point of impact, point of position of leg at time of impact; (maggie's drawers, close only counts in boot camp).

(as seen from above)

Doc #1 Pg ID 27

(6 of 25)

Case. 18 1292 | Document 5-1 Filed: 03/27/2018 | Page: 6 | N

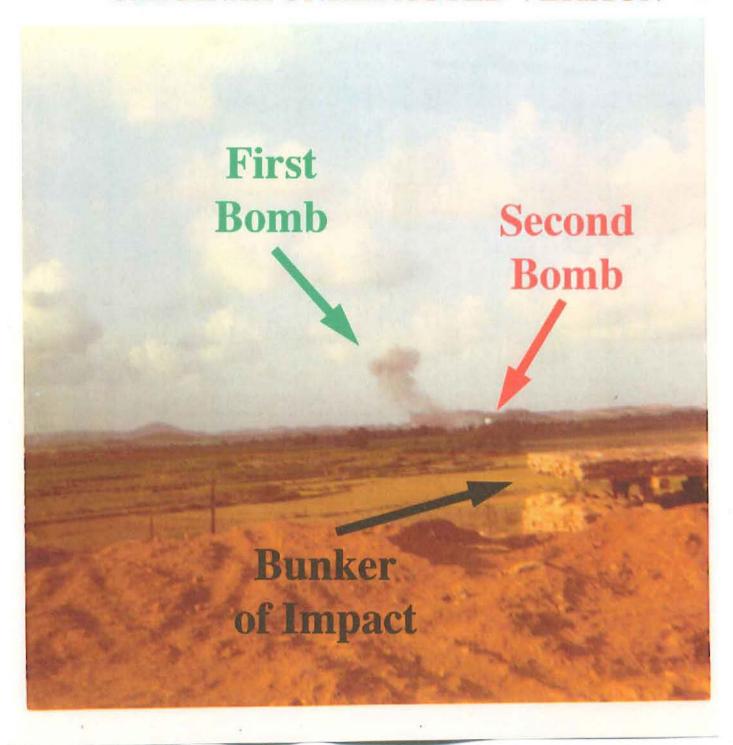


Photo One of Bunker of Impact, taken by an Instamatic camera prior to the shooting, and developed over one year later after I finally got my belongings back from the "CAP" unit I was assigned to. At the time I was photographing two Willy Peter rounds dropped by a jet fighter in the distance. The first bomb dropped was already dissipating from the mushroom-shaped cloud it produced; and, the second bomb was just starting to produce the standard mushroon shape formed from the explosion. The bunker just happened to be in the view while I was photographing the air strikes by the jet...

Doc #1 Pg ID 28

ORI Case 181292 Upocument 5-A Filed 03/27/2018 Proje: 7 N

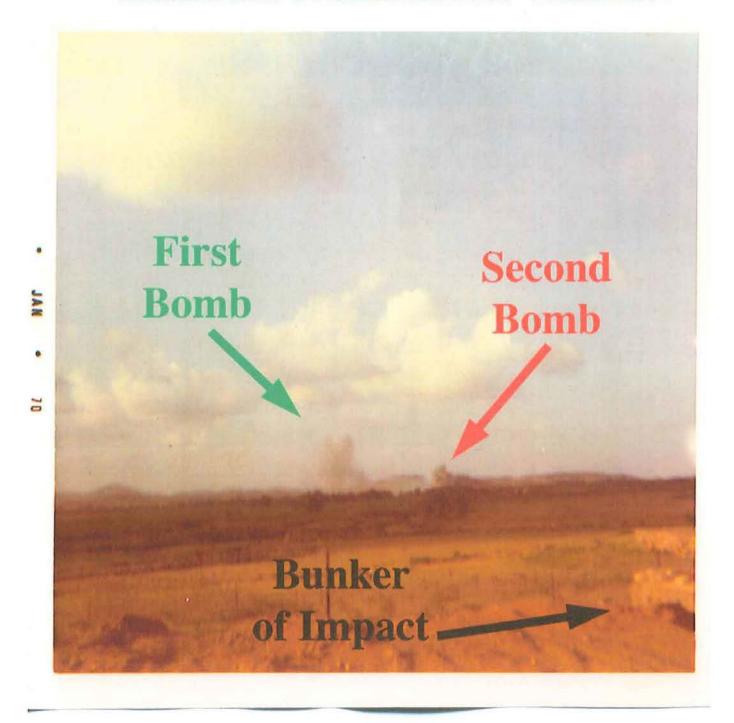


Photo Two of Bunker of Impact, taken by an Instamatic camera prior to the shooting, and developed over one year later after I finally got my belongings back from the "CAP" unit I was assigned to. At the time I was photographing two Willy Peter rounds dropped by a jet fighter in the distance. The first bomb dropped was almost completely dissipated from the mushroom-shaped cloud it produced, (which is seen in an earlier view in Photo One); and, the second bomb was partially dissipated, (also seen in an earlier view in Photo One), from the standard mushroom shape formed from the explosion. The bunker just happened to be in the view while I was photographing the air strikes by the jet...

Doc #1 Pg ID 29

And this is the Fracture Round:...

(See following pages.)

HEADQUARTERS

1st Combined Action Group

III Marine Amphibious Force

FFO, San Francisco, California 96602

11 December 1968

Mr. and Mrs. Cecil Kibbe 1223 Union Street Port Huron, Michigan 48060

Dear Mr. and Mrs. Kibbe:

I have received your letter of December 2, 1968, and I understand your concern. I hope this letter will answer your questions and relieve some of your worry.

First, I want to assure you that Dean was not seriously or permanently injured. He received a gunshot wound to his right calf, causing a fracture of the fibula. He was evacuated immediately by helicopter to the 27th Surgical Hospital in Chu Lai. His condition and prognosis were listed by the doctor as good. I visited him in the hospital, and he was resting comfortably and was cheerful. He was receiving excellent care.

He was transferred the next day, on November 28, to the 249th General Hospital, Camp Drake, Japan. The address is 249th General Hospital, APO, San Francisco, California 96267. I will request the hospital there to send you a welfare report, since my information is a little out of date now. I will also ask them to notify you if Dean is likely to be transferred to the United States. You were not informed of Dean's wound by the Marine Corps because he requested that you not be notified. He is a thoughtful person and made this request in order to avoid unnecessary worry for you. I am very sorry that it caused concern. A Marine has the option of requesting that his next of kin not be notified when he is wounded if his condition is good or excellent. If the Marine's condition is less than good, notification is mandatory and automatic.

Please be assured that your son is receiving the best possible care. If this letter and the welfare report from the hospital do not answer all your questions, please do not hesitate to write me again.

Dean had gotten off to a good start here and is highly thought of by the men in his unit. They ask me to send you their best regards.

Sincerely,

E. F. PIERSON

Lieutenant Colonel, U. S. Marine Corps Commanding

Doc #1 Pg ID 31

(10 of 25)

07151 7

PTTUZYUW RUMLJAAS784 3360405-UUUU--RUEBHOA. ZNR UUUUU P 010211Z DEC 68 -FM 26TH CASSIFLT CAM RANH BAY AB RVN TO RUEBHOAZCHE WASH DE INFO RUHHENAZCG EMEPAC CAMP SMITH HAWAII RUABOL/CAS COORD CAMP SMEDLEY D BUTTLER OKI RUMHLAZCG FIRST MARDIV DANANG RVN RUMHVP/CG THIRD MARDIV PHU BAI RVN RUABOLICG NINTH MAB CAMP HANSEN OKI

RHMMAFA/CG 111 MAF DANANG RVN RUMLMPA/CG FORLOGCOMD DANANG RVN RUMHLAZSECOND BN FIFTH MAR FIRST MARDIV DANANG RVN RHMMAFA/FIRST CAG III MAF DANANG RVN

RUCLEMA/USNH MEMPHIS TENN RUADKTA/TWO FOUR NINTH GEN HOSP CAMP DRAKE JAPAN RUWMMDA/MARKS 11 CALIF

RHMMAFA/111 MAF POSTAL DIRECTORY DANANG RVN RUMUFGA/COMNAVSUPPACT DANANG RVN BT

UNCLAS SGCSF FOR MARLN STAHOSP

PAGE 2 RUMLJAA5784 UNCLAS REPORT OF CASUALTY EVACUATION 222-68

MCO 3040.3C 1. REF A REFERS FOR TWO PATIENTS EVACUATED 290800H NOV 68

A. ELMORE JIMMIE L PFC 2453210/0311 RTD DEC 68

B. E/2/5/1

C. USNH MEMPHIS, TENN

D. HOSTILE YES

E. TRT GSW RT THIGH RT SHOULDER W/IMJURY TO SCIATIC NERVE INJURY

A. KIBBE DEAN R PPC 2420574/0311/8651 RTD SEP 69

B. ISTCAG/IIIMAF

C. 249 DRAKE, JAPAN .

D. HOSTILE NO

E. GSW RT CALF W/FX FIBULA

BT #5784

IIE1

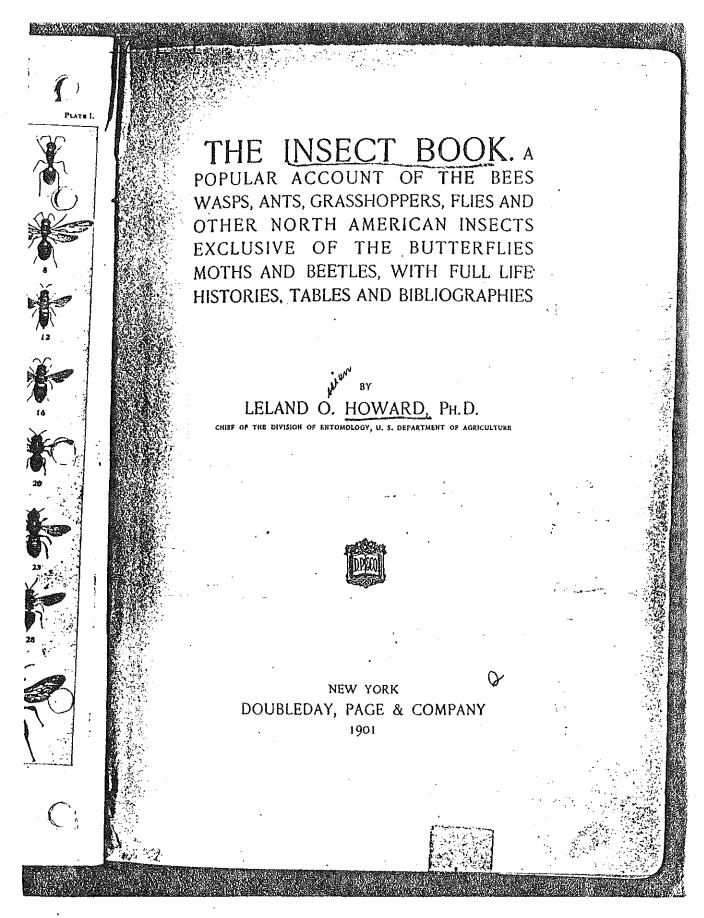
- 1. Characteristics of bullet fragments removed from legreferred to in IIB2:
- A. The forward leading point of the projectile was bent toward one side.
- B. The projectile jacket acquired a dimple closer to point B than to point A in schematic diagram one.
- Smaller chip of jacket material which had been displaced or separated from the projectile and was either attached to or lying beside one of the other larger sections in the surgeon's hand, the larger two sections of the projectile having separated at a point closer to point C than to point A or point D and on a plane closer to travel of the arrow pointing to point C than to a line extending from point A to point D; all edges of separation demonstrating sharp crystalline breakage.
- D. The tail end section of the projectile had a ring of nonspiraling lands and grooves, which lands and grooves ran approximately perpendicular to the circumference of the ring as indicated at point D.
- E. The bore size, illustrated by E in schematic diagram one (not to scale); by symmetrical reconstruction of geometric form circled to the right of printed initials "F.B." in subunit IIB2 (initials and circle red in color on original received; subunit number toward left corner added; all other features photocopied from original as

Doc #1 Pg Id 36

OR pase 18-1292 Deciment 5-1 A Filed 08/27/2018 Frage: 120N

received), and memory of projectile at time of surgical removal, indicates a full bore weapon; relatively non-exploding on impact.

- Characteristics of M-16 round as used in 1968:
- A. The high ratio of the cartridge to projectile size, the resulting relatively high velocity, and a tumbling effect during flight designed into the projectile cause the round to explode into smaller fragments in various directions upon impact with an object as thin as the canvas targets used in training.
- B. If an M-16 round is the first round to strike an unprotected limb, it will cause the loss of that limb to the nearest joint above that limb.
- C. The bore size of the M-16 round is 5.56 millimeters, a small bore rifle.
- 3. Mathematical summary:
 - l person firing (or more) weapon not an M-16, verifiable by above data;
- 1 person firing (or more) M-16 rifle by admission in "accident" report if intact;
- = 2 persons firing (or more)



COCKROACHES

(Family Blattida.)

The insects of this family, known commonly as cockroaches, form the old group Cursoria, or runners. The body as a rule is oval and flat, all the legs being similar in form. The head is deflexed or bent under and generally concealed by the prothorax.

The hind wings are slightly folded. The insects of this group are very abundant in the tropics but several species have become domesticated and are very abundant in the colder parts of the world. The cockroach type is a very persistent one, and insects of this family existed in great numin geologic periods prior to the tertiary. They are found in considerable number in carboniferous rocks and one form has been found in Silurian sandstone. The eggs are laid

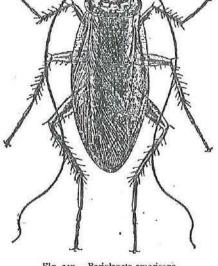
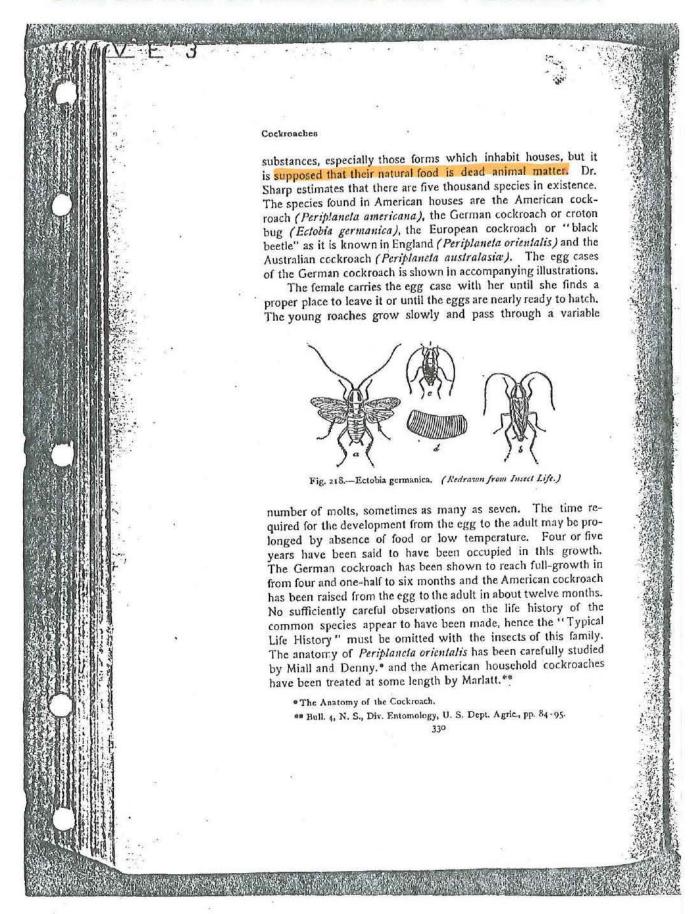


Fig. 217.—Periplaneta americana. (Redrawn from Marlatt.)

in egg cases as with the Mantidæ but the subsequent life history is little known, It is supposed that they grow very slowly. Most of them are nocturnal in their habits. They feed on a great variety of



Cockroaches

The cockroaches which have just been mentioned are practically domesticated animals in so far as they have accommodated themselves to the environments of civilization. They appear to eat almost everything, whether animal or vegetable in its nature, and they are household pests of the highest rank. They are also all of them cosmopolitan, or practically so, and have been carried in ships to almost all parts of the world. Our native cockroaches are, most of them, out-door feeders and are exceptionally cleanly insects. In fact, any one of the domestic cockroaches, if watched, will be seen constantly to make efforts to beautify its person, licking its legs and its antennæ in much the same manner in which a cat washes its paws. A curious observation which the writer once made indicates that it is possible for cockroaches to acquire the tobacco habit. A croton bug of the usual inquisi-

tive turn of mind inhabited my office desk, and as soon as I laid down my cigar upon the edge of the drawer the little fellow invariably came out of his hiding place and worked vigorously at the moist end. At first he was after the moisture but later the tobacco taste grew and he became as much addicted to the habit as the most inveterate human tobacco user. It may be worth mentioning that it seemed to have no appreciable effect on its health.

H. T. C. B. L. S. L. S. L. S. C. Berner S. C.

h L

e

ıl

1.

d

STATE OF THE PERSON

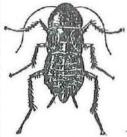


Fig. 219.—Periplaneta orientalis.

Cockroaches are fond of darkness.

They roam about houses at night, and new houses become stocked with roaches through migrations at night time from over-supplied adjoining establishments. On a dark day in Washington I once saw a migrating army of cockroaches, incalculable in number, crossing the street from a dirty restaurant toward buildings opposite. The majority of the individuals composing the army were females carrying egg cases, and the observation thus became one of psychological interest since the migratory instinct seemed to have been developed by an appreciation of the fact that while the restaurant might support the mothers there would not be food enough for the coming children.

R Case: 18-1292 | Dodument: 5-14 | Filed: 03/27/2018 | Page 17 | N



DEPARTMENT OF THE NAVY HEADQUARTERS UNITED STATES MARINE CORPS 2 NAVY ANNEX WASHINGTON, DC 20380-1775

5720 IN REPLY REFER TO. ARAD 991027105431 28 Jan 2000

Mr. Dean R. Kibbe P.O. Box 611066 Port Huron, MI 48061-1066

Dear Mr. Kibbe:

This letter responds to your Freedom of Information Act (FOIA) request of October 21, 1999, for a copy of all G-2 files from the Combined Action Program, for the month of November, 1968. Your Registered Mail Number is R 818 201 454.

A thorough search of records at this Headquarters has failed to locate any records responsive to your request.

If you believe that an adequate search of records was not accomplished at this Headquarters, you may file an appeal with the Office of the Judge Advocate General (Code 34), Washington Navy Yard, 1322 Patterson Avenue, SE, Suite 3000, Washington, DC 20374-5066. You must submit the appeal to that office postmarked within 60 calendar days from the date of this letter to be considered.

The enclosed copy of this letter should be attached along with a statement as to why you believe an adequate search has not been conducted. I recommend that the letter of appeal and the envelope both bear the notation "Freedom of Information Act Appeal."

I waived the fee for processing your request under the current provisions of the FOIA. Should you have any questions concerning this reply, you may contact the undersigned at (703) 614-4008.

Sincerely,

B. L. THOMPSON

Head, Freedom of Information and Privacy Act Section

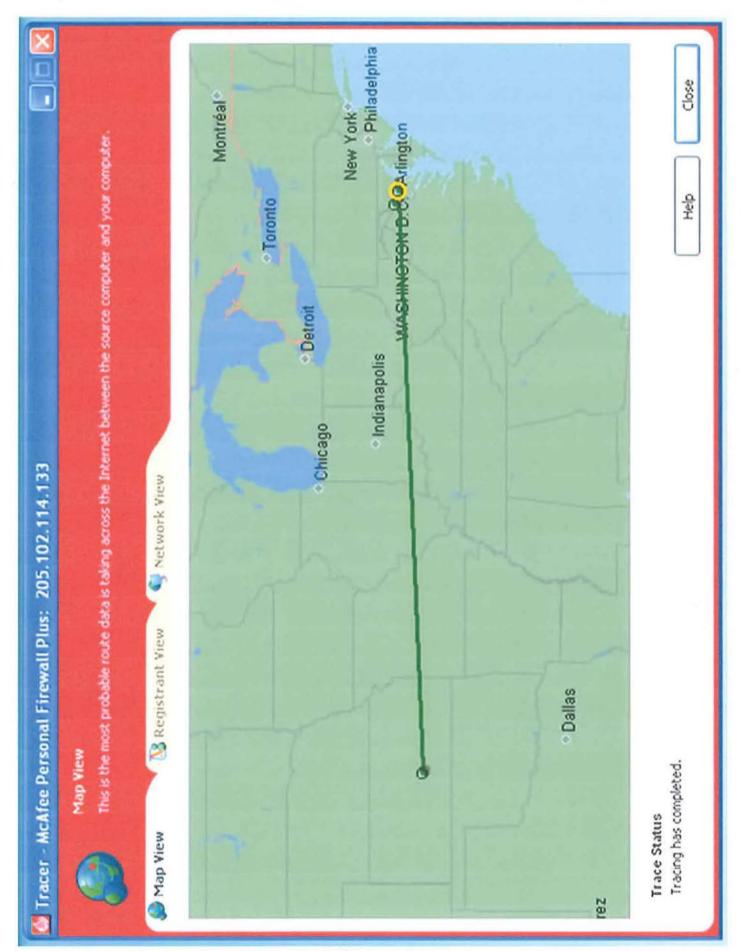
Administrative Resources Branch

Administration and Resource Management

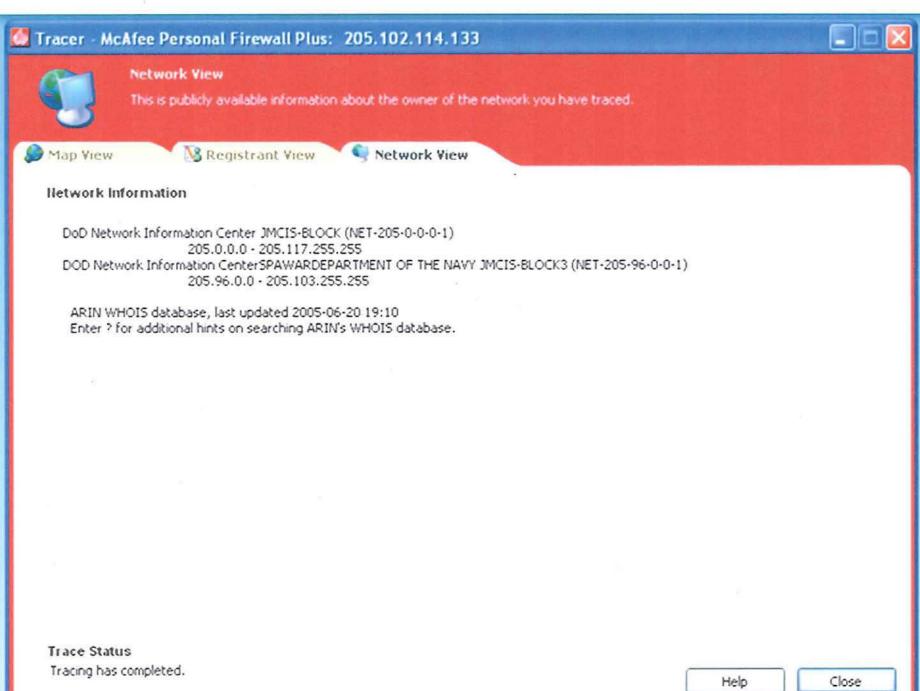
By direction of the

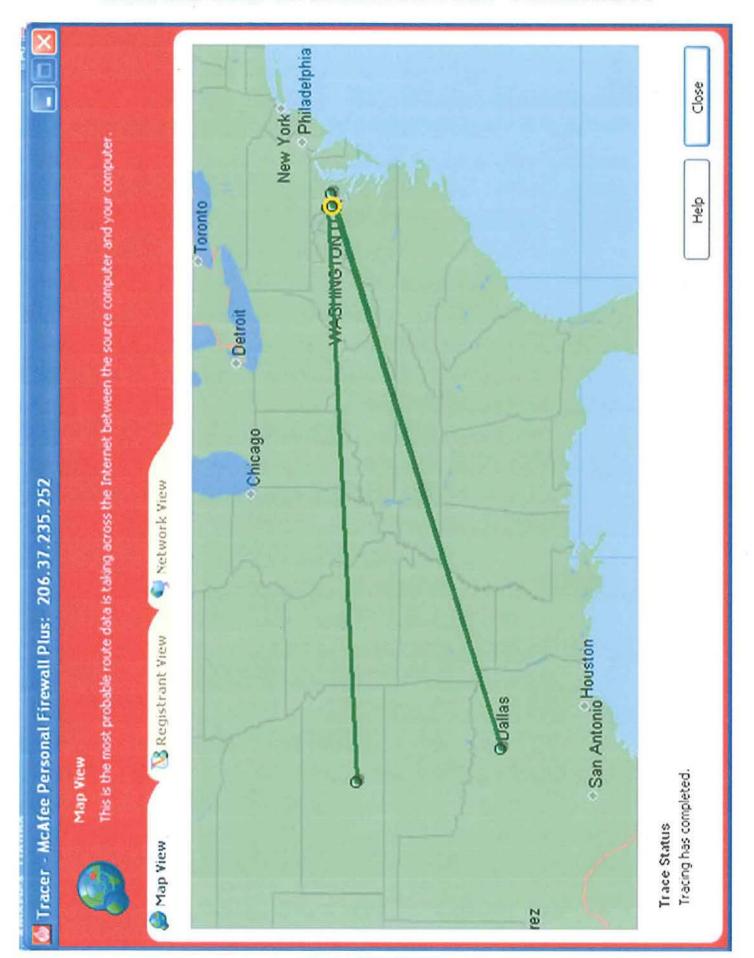
Commandant of the Marine Corps

Case: 18-1292 | Dodument: 5-14 Filed: 03/27/2018 | Page 18 | N



Doc #1 Pg ID 52





ORIGINAL UNREDACTED VERSION



Tracer - McAfee Personal Firewall Plus: 206.37.235.252

Network View

This is publicly available information about the owner of the network you have traced.

Registrant View

Network View

Hetwork Information

OrgName: DoD Network Information Center

OrgID: DNIC

Address: 7990 Science Applications Ct

Address: M/S CV 50 City: Vienna StateProv: VA

PostalCode: 22183-7000

Country: US

NetRange: 206.36.0.0 - 206.39.255.255

206.36.0.0/14 CIDR: NetName: DDN-BLK-36 NetHandle: NET-206-36-0-0-1 Parent: NET-206-0-0-0 NetType: Direct Allocation

NameServer: AAA-VIENNA.NIPR.MIL NameServer: AAA-KELLY.NIPR.MIL NameServer: AAA-VAIHINGEN.NIPR.MIL NameServer: AAA-WHEELER.NIPR.MIL

Comment: DOD Network Information Center Comment: 14200 Park Meadow Dr., Suite 200

Comment: Chantilly, VA 20151 US

ReaDate: 1995-05-30 Updated: 2005-04-29

Trace Status

Tracing has completed.



(8) I want to...

Trace This Address.

Turn Off This Alert Type

Continue What I Was Doing.

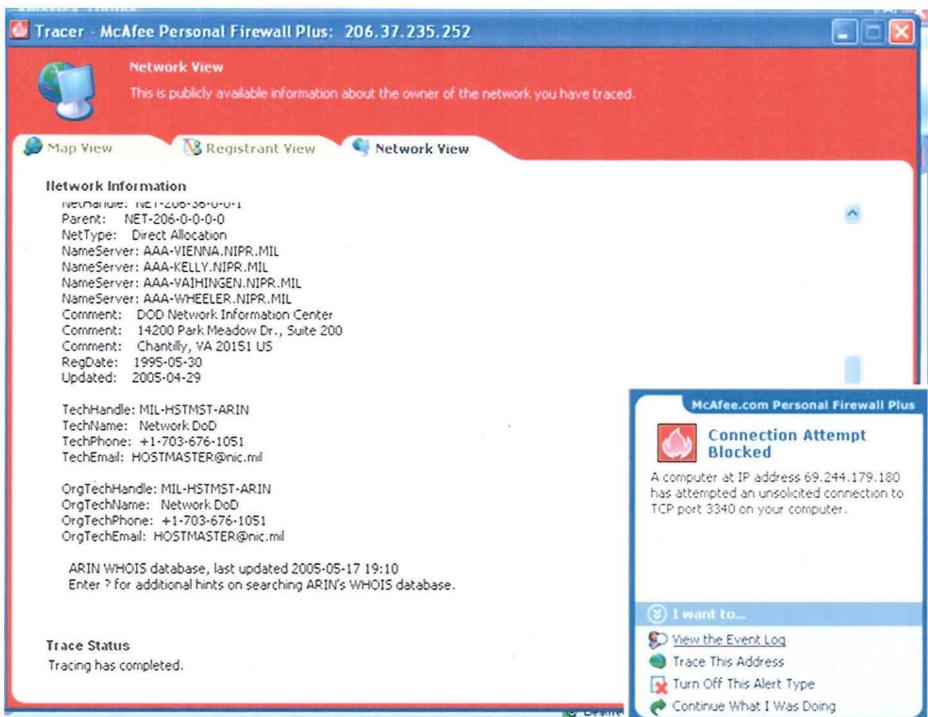




Connection Attempt Blocked

A computer at IP address 69.244.179.180 has attempted an unsolicited connection to TCP port 3340 on your computer.

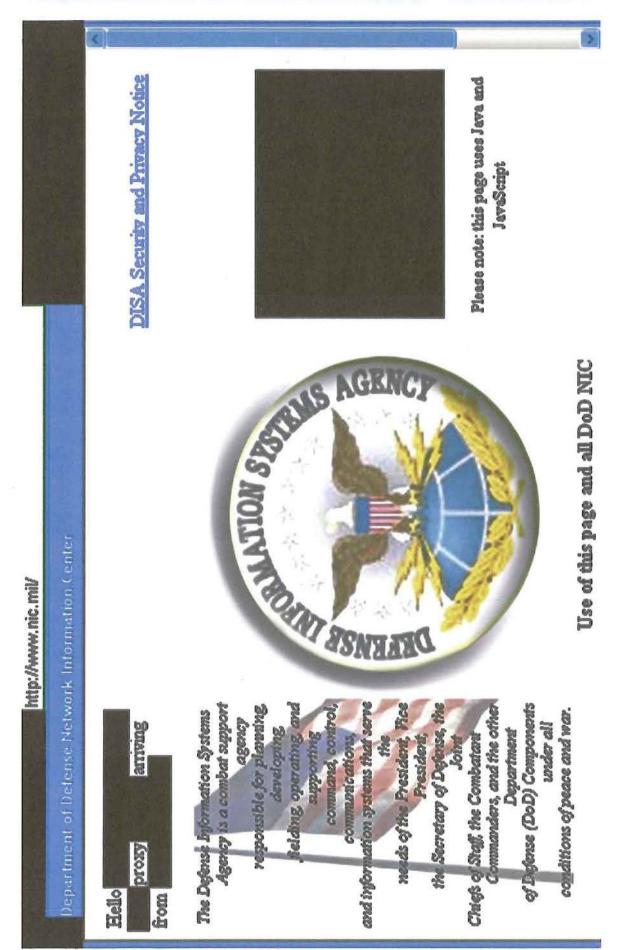
Case: 18-1292 Document: 5-1 Page: 22 Filed: 03/27/2018



Doc #1 Pg ID

VERSION

Case 18/1292 | Pocurient: 5-14 | Filed: 03/27/20187 | Page 23 | V



Doc #1 Pg ID 58

VN ITE STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
DEAN R. MIBBE V. UNITED STATES OF AMERICA
CASE NO: 18-1292

Case: 18-1292 Document: 5-2 Filed: 03/27/2018 Page: 1 (25 of 25)

RECEIVED UNITED STATES COURT OF APPEALS MAR 27 2018 FOR THE SIXTH CIRCUIT

DEBORAH S. HUNT, Clerk

DEAN R. KIBBE,

Plaintiff-Appellant

Case No.: 18-1292

VS.

UNITED STATES OF AMERICA

Defendant-Appellee

CLERK:

Enclosed for filing are:

- 1. Pro Se Appellant's Brief, two pages; and,
- 2. Cover sheet followed by twenty pages of unredacted versions of essential pages in the Complaint, (Doc #1), in the district court, which were unlawfully redacted in the Eastern District of Michigan. Please note that it is critical

that these documents be scanned at a high resolution in full color.

Dean R. Kibbe

Plaintiff-Appellant, in pro per

1223 Union Street

Port Huron, MI 48060

email: angels@saintvibiana.com

Dated: March 26, 2018