

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

FOIA Appeals
M/Stop 55202
5045 E. Butler Ave.
Fresno, CA
93727-5136

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Agent

Addressee

B. Received by (*Printed Name*)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

Certified Mail

Express Mail

Registered

Return Receipt for Merchandise

Insured Mail

C.O.D.

4. Restricted Delivery? (*Extra Fee*)

Yes

2. Article Number:
(*Transfer from service label*)

7011 3500 0003 4138 7465

Canyon Lake Station
 Canyon Lake, Texas
 781339998
 4879830328-0098

10/19/2013 (830)964-4100 10:38:07 AM

Sales Receipt

Product Description	Sale Unit Qty	Price	Final Price
FRESNO CA 93727 Zone-6 First-Class Mail Letter 1.70 oz. Scheduled Delivery Day: Tue 10/22/13			\$0.66
Return Rcpt (Green Card)			\$2.55
@@ Certified Label #:			\$3.10
		70113500000341387465	
Issue PVI:			\$6.31

Total: \$6.31

Paid by:
 Cash \$20.31
 Change Due: -\$14.00

@@ For tracking or inquiries go to
 USPS.com or call 1-800-222-1811.

Order stamps at usps.com/shop or
 call 1-800-Stamp24. Go to
 usps.com/clicknship to print
 shipping labels with postage. For
 other information call
 1-800-ASK-USPS.

7011 3500 0000 4138 7465

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®
 FRESNO CA 93727

OFFICIAL USE		
Postage	\$ 0.66	0328
Certified Fee	\$3.10	05
Return Receipt Fee (Endorsement Required)	\$2.55	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	2013 10 19
Total Postage & Fees	\$ 6.31	10/19/2013

Sent To **FOIA Appeals**
 Street, Apt. No.;
 or PO Box No. **M/Stop 55202 5045**
 City, State, ZIP+4 **FRESNO, CA 93727-5136**

Robert A. McNeil

*1302 Waugh Dr., #498
Houston, Texas near 77019
713-806-5199*

FOIA REQUEST APPEAL

Date: October 18, 2013

Attention: FOIA Appeals
M/Stop 55202
5045 E. Butler Ave.
Fresno, CA 93727-5136

CERTIFIED MAIL
7011 3500 0003 4138 7465

Original FOIA Request dated August 2, 2013 (attached)

IRS response (also attached) dated September 17, 2013 from:

Internal Revenue Service
Disclosure Scanning Operation – Stop 93A
P.O. Box 621506
Atlanta, GA 30362
(Case # F13219-0009)

This appeal is being made because I believe the documents I asked for must exist. The documents I requested were not provided to me nor was I told the requested documents did not exist. In my original FOIA request, I clearly stated that I was not soliciting copies of any statute or regulation, nor did I ask for any opinions.

In **Item 2.f** in my original request, I asked the IRS to provide me with a copy of “any 1040 or 1040A return that I personally filed, or admit that/those document(s) does/do not exist.”

This/these document(s) was/were not provided, nor was I told that/those document(s) does/do not exist.

I believe that I am entitled to see what documents do or do not exist in my records. I am simply requesting certain specific documents, originally requested in **Item 2.f**, which I believe must exist in my records, and, if they do not exist, to please state they do not exist.

In **Item 2.g** in my original request, I asked for any document(s) upon which the IRS may rely to indicate that I granted consent (express, verbal or by default) to anyone working for the IRS to file a 1040 or 1040A return on my behalf for 2000-2012.

The D.O. responded with opinions intimating that I was “seeking records that establish the authority of the Internal Revenue Service to assess, enforce, and collect taxes.”

I did nothing of the sort.

I am merely requesting documents which must absolutely exist in my records according to rulings of the Supreme Court.

The Supreme Court, in the case of *Murray's Lessee v. Hoboken Land & Improvement Co.*, 59 U.S. 272 (1856), and the authorities it cited, tells us that today's IRS Form 1040 is nothing less than the equivalent of a **voluntary** Statute Staple specialty **contract** under seal (under the penalty of perjury) **which binds by** the debtor's **consent**. In the old English law, there were no means by which the Exchequer (tax collector) could bind the debtor to a statute staple contract absent his/her known consent. That being said, it is quite obvious that the IRS believes it has a 1040 tax contract return on my behalf. Just look at the IMF for 200812 where it says RET RCVD DT - 12072010. In the *Murray* case, the Supreme Court also made it abundantly clear that Congress in and by itself is not free to determine what “Due Process” (pursuant to the 5th Amendment) is. The Supreme Court explained that the processes with regard to taxes today must be equivalent to those processes used by the King of England at the time 5th Amendment was ratified in 1791.

The Government, representing the IRS in the case of *G.M. Leasing Corp. v United States*, 429 U.S. 338 (1977), stated that IRS “Standard Service Procedures” were based on the holdings of the Supreme Court in *Murray's*. In order to comply with the “Due Process” requirements as stated in *Murray's*, my consent must have been granted to the IRS in some form or manner as explained. I have described with specificity, the document(s) requested and why the document(s) must exist. Therefore, please provide me with the described document(s) as originally requested in **Item 2.g** of my FOIA request. In the alternative, please state that the document(s) does/do not exist.

In **Item 2.i** of my original request, I requested that the IRS provide me with a copy of the document(s) which **describes the form** indicated by the 4th and 5th digits in the Document Locator Number (DLN) 292**10**-888-00000-0. I did not ask for a copy of the actual document in that particular DLN (the IRS has already indicated in response to the original request that an actual document does not exist). However, in the original request, I make it clear I was not asking for a copy of the actual document. It is my understanding that a document code indicates a specific form by number. It is also my belief that there must be some document that the IRS has which describes the form (by number) referenced by the number 10 in the document code position of the above mentioned DLN. Therefore, please provide me with a copy of the document(s) that describes or

identifies the form, by number, as originally requested in **Item 2.i** of my FOIA request. In the alternative, please state that the document(s) does/do not exist.

Again, I have not asked the disclosure officer to give me copies of any statutes or regulations, nor have I asked for any opinion as to whether I am or am not liable for any tax imposed by the tax laws. I believe that I am entitled to see what documents do or do not exist in my records. I am simply requesting certain specific documents which I believe must exist in my records, and, if they do not exist, to please state they do not exist.

I have explained the law as I understand it, only as a method of further describing the records that I requested in the original request.

I look forward to your response to this FOIA appeal.



Robert A. McNeil

Without Prejudice

Please send response documents to:

Name: Robert A. McNeil

Address: 1302 Waugh Dr. #498

City, State & Zip Code: Houston, TX near 77019

Enclosures:

1. Original FOIA Request dated August 2, 2013
2. IRS response dated September 17, 2013 from:
Internal Revenue Service
Disclosure Scanning Operation – Stop 93A
P.O. Box 621506
Atlanta, GA 30362
(Case # F13219-0009)