

Appeals Court would not give stay to DOJ for response, DOJ failed to respond

Fort Myers, Feb 1, 2019 ([IssueWire.com](http://www.IssueWire.com)) - Appeals Court would not give stay to DOJ for response, DOJ failed to respond

The Eleventh Circuit United States Appeals Court, in the case number 18-15066, would not grant the Department of Justice a stay, due Jan. 29th, 2019, to file a response made by Roy J. Meidinger, an IRS Whistleblower, instead of ruling on the case it changed the venue and moved the case to the D.C. Appeals Court, which reviews WhistleBlower cases.

The Commissioner of the Internal Revenue Service (CIR) breached its contractual requirements to investigate tax evasion schemes and enforce the tax laws, is causing damages of hundreds of billions of dollars. In Tax Court Case, docket number 016585-18, states the CIR must collect taxes on the kickbacks paid by the health care providers to the insurance companies. The payments are the difference between the amount billed by the provider to the insured patient and the actual amount paid by the insurance company, for tax purposes the difference is a partial cancellation of debt.

The admissibility of this case came because of the change in the case law that allows a whistleblower to challenge the actions of the Whistleblower Office of its determinations for not collecting taxes.

The appeal about is based on the fact the Special Appointed Judge abused his discretionary authority, violated the directive from the Chief Tax Court Judge, a signatory to the new case law, to dismiss the CIR's motion for dismissal, that was based on the old case law and ruled in favour of the CIR motion to dismiss. The Special Appointed Judge violated the limited jurisdiction authority given by the Chief Judges and violated the Chief Judge's Order:

"ORDER

Upon due consideration of respondent's Motion To Dismiss for Failure To State a Claim Upon Which Relief Can Be Granted, filed October 11, 2018, it is ORDERED that this case is assigned to Special Trial Judge Peter J. Panuthos solely for the purpose of disposing of the above-described motion.

(Signed) Maurice B. Foley

Chief Judge"

The attorney for the DOJ is a member of the court, therefore by the professional rules of conduct, the first filing he should have made was to notify the court the CIR is violating the law and intends to continue to break the law.

The DOJ must also supply the court with an affidavit stating the CIR is aware of the conflict of interest due to the fact the DOJ will prosecute criminal offences it becomes aware of, and the CIR is permitted them to represent the IRS.

With the failure to file a response motion on time, there can be no further motions filed by the DOJ.

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