



U.S. Department of Justice

Facsimile No. (202) 514-8456
Telephone No. (202) 514-3361

Please reply to: Appellate Section
P.O. Box 502
Tax Division Washington, D.C. 20044

KDUtiger
5-82-12068
2005100272

FEDEX

June 13, 2005

Cathy A. Catterson, Esquire
Clerk, U.S. Court of Appeals
for the Ninth Circuit
95 Seventh Street
San Francisco, CA 94105

Re: Bill Walker v. Members of Congress, et al.
(9th Cir. - No. 05-35023)

Dear Ms. Catterson:

Enclosed please find the original and four copies of the appellees' response to appellant's "Motion For Addendum by Appellant To March 19, 2005 Motion For Court Investigation Of Improper Actions of Karen D. Utiger Of The Department of Justice and Related Matters." As indicated in the certificate of service, a copy of the response has been served upon the appellant, appearing pro se, together with a copy of this letter.

Please file the response with the Court and advise us of the Court's decision thereon. I may be reached at (202) 514-2937.

Sincerely yours,

KAREN D. UTIGER
Attorney
Appellate Section

Enclosures

cc: Mr. Bill Walker
P.O. Box 698
Auburn, WA 98071-0698

John L. McKay, Jr., Esquire
United States Attorney
601 Union Street, Suite 5100
Seattle, WA 98101

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

BILL WALKER,)
)
Plaintiff-Appellant)
) No. 05-35023
v.)
)
MEMBERS OF CONGRESS, et al.,)
)
Defendants-Appellees)

RESPONSE TO MOTION RE COURT INVESTIGATION OF
IMPROPER ACTIONS OF KAREN D. UTIGER

Bill Walker, the appellant herein, has filed yet another motion seeking to have Karen D. Utiger, counsel for appellees, investigated with respect to her appearance in this case. As indicated in our previous motion to permit appearance of counsel, the Department of Justice is authorized to represent the appellees in this case, including John W. Snow, the Secretary of Treasury, Mark W. Everson, the Commissioner of Internal Revenue, and the members of Congress. See 28 U.S.C. §§ 515, 516, 517; 28 C.F.R. § 0.70; see also Gilbert v. DaGrossa, 756 F.2d 1455, 1458 (9th Cir. 1985). Appellant's contention that Ms. Utiger must present "irrefutable evidence" to show that she has been granted permission to represent the appellees is absurd. (Motion re Court Investigation at 7.) Equally absurd is appellant's contention that Ms. Utiger must show that she was instructed to oppose "obeying the Constitution." (Motion re Court Investigation at 8.) Finally, Ms. Utiger has made no misrepresentations to this Court. Appellant's latest motion,

therefore, is nothing short of harassment and wastes both the Government's time in responding to it and the Court's time in disposing of it.

Accordingly, this Court may wish to consider requiring the appellant to obtain permission from this Court before filing any further motions in this case.

WHEREFORE, the appellees pray that appellant's motion be denied.

Respectfully submitted,

EILEEN J. O'CONNOR
Assistant Attorney General



BRUCE R. ELLISEN (202) 514-2929
KAREN D. UTIGER (202) 514-2937

Attorneys
Tax Division
Department of Justice
Post Office Box 502
Washington, D.C. 20044

Of Counsel:
JOHN L. MCKAY, JR.
United States Attorney

JUNE 2005

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

BILL WALKER,)
)
Plaintiff-Appellant)
) No. 05-35023
v.)
)
MEMBERS OF CONGRESS, et al.,)
)
Defendants-Appellees)

DECLARATION

I, Karen D. Utiger, of the Department of Justice,
Washington, D.C., state as follows:

1. I am an attorney employed in the Appellate Section of
the Tax Division of the Department of Justice, and in that
capacity I have been assigned the primary responsibility for
handling the above-entitled cases on behalf of the appellees.

2. The facts set forth in the accompanying response are
true to the best of my knowledge and belief.

I declare under penalty of perjury, pursuant to 28 U.S.C.
§ 1746, that the foregoing is true and correct. Executed on this
13th day of June, 2005, at Washington, D.C.

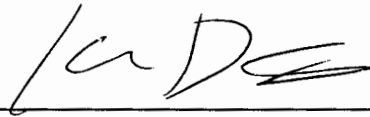


KAREN D. UTIGER
Attorney

CERTIFICATE OF SERVICE

It is hereby certified that service of the foregoing response to appellant's motion has been made on the appellant, appearing pro se, on this 13th day of June, 2005, by sending a copy thereof in an envelope, properly addressed to him as follows:

Mr. Bill Walker
P.O. Box 698
Auburn, WA 98071-0698



KAREN D. UTIGER
Attorney