

Timothy Charles Holmseth
320 17th Street N.W.
Unit# 17
East Grand Forks, MN
56721
218.773.1299
218.230.1597 (cell)
www.writeintoaction.com
tholmseth@wikitel.com
<https://www.facebook.com/profile.php?id=100009187154735>

July 12, 2016

Federal Judge
United States District Court
United States Courthouse
316 North Robert Street
STE 724
St. Paul, MN
55101-1477

Honorable Judge,

I am a member of the media.

Enclosed is a request for an EMERGENCY Injunction.

Respectfully submitted,
Timothy Charles Holmseth



Cc: Grand Forks City Administrator Todd Feland, UND President Mark Kennedy, Grand Forks States Attorney David Jones, Colonel Michael Gerhart, North Dakota Highway Patrol, Eric Lunn, Altru Health Systems

Attached: Email thread/Grand Forks Police Department; July 9, 2016 police shooting article regarding Philando Castile and David Elliott

United States District Court
District of Minnesota

<p>Timothy Charles Holmseth <i>Plaintiff,</i></p> <p>v.</p> <p>City of Grand Forks, University of North Dakota, State of North Dakota, County of Grand Forks, Altru Health Systems <i>Defendants,</i></p>	<p>MOTION FOR EMERGENCY INJUNCTIVE RELIEF</p>
---	--

PLAINTIFF'S REQUEST FOR EMERGENCY INJUNCTION

This request for emergency federal relief is brought by Plaintiff/Petitioner TIMOTHY CHARLES HOLMSETH, a resident of East Grand Forks, Minnesota, against Defendants CITY OF GRAND FORKS, COUNTY OF GRAND FORKS, UNIVERSITY OF NORTH DAKOTA, STATE OF NORTH DAKOTA/HIGHWAY PATROL, and ALTRU HEALTH SYSTEMS.

INTRODUCTION

PETITIONER is not an attorney.

PETITIONER is requesting permission to proceed PRO SE until such time PETITIONER can achieve legal counsel.

Due to time constraints that are of no fault of PETITIONER; rather the direct fault of RESPONDENT; PETITIONER is forced to forgo the necessary research required to cite applicable statutes regarding Jurisdiction.

PETITIONER firmly believes the United States District Court – District of Minnesota has jurisdiction over PETITIONER, RESPONDENTS, this case and the subject matter.

SUMMARY

PETITIONER believes the facts and circumstances that surround this requested injunction potentially affect the safety and well being of the national public and national security.

PETITIONER has obtained evidence that shows RESPONDENT is involved in the commission of state and federal crimes including Conspiracy and Attempted Murder.

RESPONDENT is planning to destroy evidence that shows RESPONDENT attempted to murder an unarmed man, David James Elliott, under the guise of a '*justified*' police shooting.

RESPONDENT possesses evidence the aforementioned police shooting was **not** justified and RESPONDENT is concealing, and conspiring to further conceal, evidence that shows it.

RESPONDENT is planning to destroy media records and evidence that shows the police shooting was not justified and was a federal crime.

RESPONDENT notified PETITIONER of their plans to destroy the evidence on July 11, 2016, after PETITIONER, on July 9, 2016, published information relating to the national profile shooting of **Philando Castile**, who was recently shot by a police officer in Falcon Heights, Minnesota.

RESPONDENT notified PETITIONER of plans to destroy the files immediately after PETITIONER made contact with KARE 11, Star-Tribune, KSTP, National Public Radio, and other media outlets.

PETITIONER argues the following supports an Injunction:

1. **Irreparable Harm:** If RESPONDENT destroys the files in question, they will never again be retrievable through RESPONDENT'S keeper of records.
2. **Clear Legal Right:** PETITIONER has a clear legal right to the files, which are public record.
3. **Consideration of Public Interest:** There exists a clear public safety issue connected to this case and the files.
4. **Legal Challenge:** The stated basis for RESPONDENT'S decision to destroy the files is subject to legal challenge.

PUBLIC SAFETY and PUBLIC INTEREST

The abrupt destruction of the files by RESPONDENT is not necessary and does not need to be done for any important reason that would better any existing situation. To the contrary, maintaining the integrity of the files serves the greater good and public interest.

The destruction of the files could potentially serve to fan the flames presently raging across the United States in regards to distrust of the police and future investigations of controversial police shootings.

The destruction of the files could create fodder for violent radical group's to generate further suspicion and hatred of the police in the wake of recent police shootings, and contribute to the already dangerous level of civil unrest in the United States.

The recent shooting/ambush murder of five police officers at the Dallas Police Department speaks to the colossal public safety issue and potential ramifications of such an irresponsible action by RESPONDENT. Such file destruction could generate a similar incident and turn into a national crisis if the files regarding a suspicious police shooting are suddenly, inexplicably, and cynically destroyed.

The destruction of the files also creates a unique public safety issue pertaining to the residents and citizens of Grand Forks, North Dakota, as well as the entire State of North Dakota and neighboring Minnesota.

PERSONAL SAFETY of PETITIONER

PETITIONER is receiving telephone calls from unidentified persons using voice changing software demanding PETITIONER remove all his publications from the Web.

PETITIONER'S children are also being threatened.

PETITIONER has been taunted in writing and told that the local police are never going to help PETITIONER.

PETITIONER has reported the threats to the police in Grand Forks, North Dakota and East Grand Forks, Minnesota. Law enforcement takes no meaningful action.

PETITIONER believes PETITIONER'S constitutional rights are being violated.

REQUEST FOR INJUNCTIVE RELIEF

PETITIONER is requesting EMERGENCY Temporary Injunctive Relief against RESPONDENT.

PETITIONER is a news reporter, journalist, author, and publisher with an existing media relationship with RESPONDENT regarding the acquisition of public records.

PETITIONER has worked as a news reporter for newspapers of public record in Minnesota and North Dakota, and was recognized with first place awards from the North Dakota Newspaper Association.

PETITIONER is producing a documentary that will include information about the Wal-Mart shooting in Grand Forks, North Dakota by a black man who was stationed at the United States Air Force Base in Grand Forks.

PETITIONER has an existing media relationship with RESPONDENT regarding public records requests relating specifically to the police pursuit and officer involved shooting of **David James Elliott**, which occurred on February 27-28, 2015.

PETITIONER also has an existing media relationship with RESPONDENT regarding public records pertaining to the un-attended death of **Caitlin Jenna Erickson**, which occurred on February 27, 2015.

PETITIONER also has an existing media relationship with RESPONDENT regarding public records pertaining to the case of State of North Dakota v. **Mohammed Aweis Mohammed** that resulted in 'attempted murder' charges against the Somali immigrant.

PETITIONER has requested, paid for, and received multiple documents and records including 911 transcripts, police reports, officer body cam, and/or officer dash-cam video, regarding the aforementioned highlighted cases.

PETITIONER also obtained investigative files from the North Dakota Attorney General/North Dakota Bureau of Criminal Investigation regarding the police shooting of David James Elliott.

PETITIONER has regularly published comprehensive articles and stories featuring the aforementioned public records at PETITIONERS websites, including:

<http://writeintoaction.com/>

<https://eastgrandforks.wordpress.com/>

<https://www.facebook.com/profile.php?id=100009187154735>

PETITIONER is providing a valuable service to the public.

At no time has RESPONDENT notified or advised PETITIONER of any time restraints and/or deadlines regarding records pertaining to the officer involved shooting of David James Elliott; death of Caitlin Jenna Erickson; or attempted murder charges against Mohammed Aweis Mohammed.

To the contrary, RESPONDENT has essentially misled PETITIONER during e-mail communications to believe the files would remain accessible and available.

RESPONDENT has improperly stalled PETITIONER'S information discovery through various stalling tactics by multiple Keeper's of Record.

On July 11, 2016, RESPONDENT abruptly advised PETITIONER that RESPONDENT would be destroying files pertaining to GFPD IR#201501332 and the files would not be available after Monday, July 18, 2016 (the file pertaining to the police shooting of David James Elliott).

As previously stated, PETITIONER believes this is a premeditated plan to destroy evidence of a crime and/or multiple crimes, and to prevent the American public from viewing the files.

RESPONDENT HAS ALREADY (PREVIOUSLY) ALTERED AND TAMPERED WITH EVIDENCE AND PUBLIC RECORDS

PETITIONER has discovered RESPONDENT has altered public records and tampered with evidence.

RESPONDENT altered officer cam video regarding the police shooting of an unarmed man (David James Elliott) before providing the video to PETITIONER.

RESPONDENT changed existing properties of video files. For example, one instance of evidence-tampering is a dash cam video from the squad car of GFPD officer Dan Harvala that captured the police shooting of David James Elliott. While most video from the dash-cam of Harvala's car is in color; one portion of the video was altered/changed to appear in black and white. The portion that was altered captured the shooting of David James Elliott. The black and white quality restricts the viewer from seeing the details of the shooting scene due to glare and shadows. All other cam evidence obtained thus far was in color.

PRIMA FACIE EVIDENCE OF UNJUSTIFIED POLICE SHOOTING

PETITIONER obtained BCI files that show UNDPD officer Jerad Braaten's officer body-cam was found by the BCI investigators underneath Jerad Braaten's squad car (where he attempted to hide it after he shot David James Elliott).

PETITIONER obtained files that show UNDPD officer Jerad Braaten's dash-cam video was not available whatsoever to police in any fashion for investigation (because he got rid of it).

PETITIONER obtained files that show UNDPD officer Jerad Braaten was reprimanded in writing by UNDPD chief Eric Plummer for actions involving his officer cameras (see attachment).

PETITIONER obtained the aforementioned evidence and alerted the public that despite the evidence, Grand Forks States Attorney David Jones determined the shooting was justified, and the Grand Forks Police Department went on to hire the shooter, Jerad Braaten, despite all the aforementioned evidence.

On several dates, PETITIONER was contacted by a person identifying himself as David James Elliott.

The person made a plethora of statements, including:

- UNDPD officer Jerad Braaten attempted to shoot him (David Elliott) several minutes before the actual shooting, while atop the Columbia Road Bridge in Grand Forks, but Braaten's gun jammed.
- UNDPD officer Jerad Braaten lied to investigators about the incident atop the bridge until investigators found his "finger prints" on an un-fired cartridge atop the bridge (the assertion of an attempted shooting atop the bridge appears to be verified by BCI investigators who noted a cartridge from Braaten's firearm was found on the bridge.)
- Unseen/unpublished/un-released video exists to show police officers repeatedly tazing David James Elliott after he has been rendered unconscious by multiple gunshots to the head.
- Unseen/unpublished/un-released video shows David Elliott's body fall out of his pick-up like a "sack of potatoes" as police officers continuously yell "stop resisting" at his unconscious body and continuously taze him.
- Unseen/unpublished/un-released video shows "excessive force".
- Video and evidence was withheld from David James Elliott and his attorney, Darla Schuman, by prosecutors.
- Video was turned over very slowly (suspiciously slow) by prosecutors.
- David James Elliott is receiving death threats.
- The media is not reporting the whole relevant truth to the public.

CONCLUSION

PETITIONER respectfully requests the United States District Court issue an Injunction forbidding the destruction of GFDP IR#201501332 until further Order of the Court.

The Order further forbids the destruction of any related files held by the University of North Dakota Police Department, Grand Forks County Sheriff's Office, Grand Forks County States Attorney's office, North Dakota Highway Patrol, and Altru Health Systems.

07/12/2016
Jimmy Chuck Helms

