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Rhodes, USDC

9/8/21

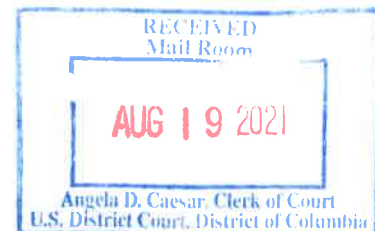
**UNITED STATES DISTRICT COURT
for the DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,
Alleging Injured Party Status, Accuser,
Presenter, Plaintiff in error

V.

Eric-Bochene, a man
Under the Color of Law, Named in Error
and Alleged To Be The Injuring Party,
Accused, Presentee, Defendant;
"ERIC BOCHENE", "ERIC J. BOCHENE"

- : **CRIMINAL NO.**
- : **MAGISTRATE NO. 21-MJ-397**
- : **VIOLATIONS:**
- : **18 U.S.C. § 1752(a)(1)**
- : **(Entering and Remaining in a Restricted Building)**
- : **18 U.S.C. § 1752(a)(2)**
- : **(Disorderly and Disruptive Conduct in a Restricted Building)**
- : **40 U.S.C. § 5104(e)(2)(D)**
- : **(Violent Entry and Disorderly Conduct and Parading, Demonstrating, or Picketing in a Capitol Building)**
- : **40 U.S.C. § 5104(e)(2)(G)**
- : **(Parading, Demonstrating, or Picketing in a Capitol Building)**



Eric-Bochene

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ORDER TO DISMISS

I, Eric-Bochene, a man, in this Court of Record, Motion for an Order of Dismissal regarding case: 1-21-cr-00418 and the original complaint and charges, as the court record states:

“Terminate Deadlines and Hearings as to ERIC BOCHENE (1): Preliminary Hearing set for 7/19/2021 at 1:00 PM by telephonic/VTC before Magistrate Judge G. Michael Harvey is hereby VACATED. (zpt) (Entered: 07/15/2021)”.

This is in clear violation of Due Process, in violation to the Constitution of the United States and, lacks precedence. It is in direct violation and contrary to the Federal Rules of Evidence, **Rule 602** - “Need for Personal Knowledge”, **Rule 802**, “the Rule Against Hearsay”, and Federal Rules of Civil Procedure; **Rule 26** “Duty to Disclose; General Provisions Governing Discovery”. And, in violation of **22 U.S. Code § 7102**.

Affirmations:

Reserving ALL my Natural God-Given Unalienable Rights, Waiving None, Ever.
Pursuant to: 28 U.S. Code § 1746(1)

Done on this 10th day, of the 8th month, in the year **two thousand and twenty-one**.


Eric-Bochene©, a man. With All Rights Reserved, Always ©

Judge Michael Harvey does a good job in Oxbow explaining the governing law and how it has shifted with the 2015 revisions to the Rules.

Rule 26 (b) (1)

[U]nder the amended Rule 26,[3] discovery must be relevant and “proportional to the needs of the case.” Fed. R. Civ. P. 26(b)(1). To determine whether a discovery request is proportional, courts weigh the following six factors: “(1) the importance of the issues at stake in this action; (2) the amount in controversy; (3) the parties’ relative access to relevant information; (4) the parties’ resources; (5) the importance of the discovery in resolving the issues; and (6) whether the burden or expense of the proposed discovery outweighs its likely benefit.” *Williams v. BASF Catalysts, LLC*, Civ. Action No. 11-1754, 2017 WL 3317295, at *4 (D.N.J. Aug. 3, 2017) (citing Fed. R. Civ. P. 26(b)(1)); *Arrow Enter. Computing Solutions, Inc. v. BlueAlly, LLC*, No. 5:15-CV-37-FL, 2017 WL 876266, at *4 (E.D.N.C. Mar. 3, 2017); *FTC v. Staples, Inc.*, Civ. Action No. 15-2115 (EGS), 2016 WL 4194045, at *2 (D.D.C. Feb. 26, 2016).

“[N]o single factor is designed to outweigh the other factors in determining whether the discovery sought is proportional,” and all proportionality determinations must be made on a case-by-case basis. *Williams*, 2017 WL 3317295, at *4 (internal citations omitted); see also *Bell v. Reading Hosp.*, Civ. Action No. 13-5927, 2016 WL 162991, at *2 (E.D. Pa. Jan. 14, 2016). To be sure, however, “the amendments to Rule 26(b) do not alter the basic allocation of the burden on the party resisting discovery to—in order to successfully resist a motion to compel—specifically object and show that . . . a discovery request would impose an undue burden or expense or is otherwise objectionable.” *Mir v. L-3 Commc’ns Integrated Sys., L.P.*, 319 F.R.D. 220, 226 (N.D. Tex. 2016). ...