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Pro Se Plaintiff

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

JESSE C. TRENTADUE,

Plaintiff,

vs.

FEDERAL BUREAU OF
INVESTIGATION and FEDERAL
BUREAU OF INVESTIGATION'S
OKLAHOMA CITY FIELD OFFICE ,

Defendants.

**MOTION TO CONDUCT
DISCOVERY**

Case No.: 2:04 CV 00772 DAK

Judge Dale A. Kimball
Magistrate David Nuffer

On May 5, 2005, the Court entered an *Order* (Doc. No. 31) requiring FBI Defendants to conduct a search for records and to produce documents/records responsive to Plaintiff's *FOIA* requests seeking information related to a failed sting operation by the Southern Poverty Law Center (SPLC) and/or FBI Defendants at a white supremacist paramilitary camp compound in Elohim City, Oklahoma which, directly or indirectly, led to the bombing of the Murrah Building in Oklahoma City, Oklahoma on April 19, 1995. In that *Order*, the Court likewise stated that "Upon *Motion*, the Court will allow Plaintiff to conduct discovery should the FBI fail to produce documents and/or records responsive to his *FOIA* requests." (*Order*, p. 6.)

In response to that *Order*, FBI Defendants did produce documents. (Doc. Nos. 58 and 96.) On its face, however, FBI Defendants' response was clearly in bad faith. FBI Defendants, for example, produced only about 30 documents with the oldest being dated April 25, 1995, one week post bombing. It is Plaintiff's position that it is not credible that so few documents exist on this subject and for none of them to be older than April 25, 1995, because: (1) by FBI Defendants' own admissions there were at least four (4) informants involved with this sting operation; and (2) the operation obviously existed and/or predated the April 19, 1995, bombing. Plaintiff's position that FBI Defendants

have responded in bad faith has been bolstered by two events that have occurred since the Court entered its *Order*.

The first event is the *Report* from the House Oversight Investigation Subcommittee on International Relations. This *Report* sets forth the results of that Subcommittee's investigation into a possible foreign involvement in the Oklahoma City bombing. The *Report* documents what that Subcommittee believes may have been participation in the Murrah Building bombing by members of the Midwest Bank Robbery Gang and residents of Elohim City, including Andres Strassmeir. This *Report* also documents the Department of Justice's bad faith refusal to cooperate with the Subcommittee's investigation.¹ A similar lack of cooperation and good faith is obvious from the FBI Defendants' response to this Court's *Order*.

The second event is the recent *Declarations* provided by Terry Lynn Nichols and David Paul Hammer. Nichols was convicted for his involvement in the bombing. Hammer spent almost two years on death row with McVeigh during which time he and McVeigh discussed the bombing in detail. In their *Declarations*, Nichols and Hammer

¹ A true and correct copy of that *Report* is attached hereto as **Exhibit A**. More importantly, that *Report* is not hearsay. See *Petition of W*, 164 F. Supp. 659 (E.D. Pa. 1958). ("Facts found in reports prepared by public officials in the course of their duty, in accordance with express statutory authority, are admissible as an exception to the hearsay rule where there is no motive for the official to be partial.")

discuss Strassmeir and other's who participated in the bombing, including informants. Both men set forth facts establishing a link between Elohim City and the Murrah Building bombing. More importantly, Nichols, and Hammer set out in their respective *Declarations* facts establishing FBI Defendants' apparent complicity in that crime through informants.

WHEREFORE, pursuant to *Federal Rules of Civil Procedure* 26 and 30, Plaintiff hereby seeks an *Order* from this Court allowing him to take the depositions of Terry Lynn Nichols and David Paul Hammer and to videotape those depositions.² This *Motion* is supported by a *Memorandum* and by the sworn *Declarations of Terry Lynn Nichols*, and *David Paul Hammer* filed herewith.

DATED this 16th day of February, 2007.

/s/ Jesse C. Trentadue
Jesse C. Trentadue
Pro Se Plaintiff

² Terry Nichols federal registry number is 08157-031 and he is incarcerated at the United States Penitentiary Administrative Maximum Facility located at Florence, Colorado. David Paul Hammer's federal registry number is 24507-077 and he is presently on Death Row at the United States Penitentiary at Terra Haute, Indiana.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 16TH day of February, 2007, I caused a true and correct copy of the foregoing **MOTION TO CONDUCT DISCOVERY** to be served via, electronic process upon the following:

Carlie Christensen
Assistant United States Attorney
185 South State Street, Suite 400
Salt Lake City, UT. 84111

/s/ Jesse C. Trentadue

NICHOLS MOTION.wpd