

SEALED

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

UNITED STATES OF AMERICA CASE NO: 20 - 9265 MJ

V. **ELECTRONIC CRIMINAL COMPLAINT**

KEVIN THOMAS KERR (Under Seal)

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

COUNT 1

On or about March 6, 2020, in the District of Arizona and elsewhere, the defendant, KEVIN THOMAS KERR, did knowingly and willfully transmit in interstate and foreign commerce a threat to injure the person of another: to wit, the defendant left a voicemail threatening to injure and kill A.F.

In violation of Title 18, United States Code, Section 875(c).

COUNT 2

Beginning on or about March 6, 2020, and continuing until on or about September 16, 2020, in the District of Arizona and elsewhere, the defendant, KEVIN THOMAS KERR, with the intent to kill, injure, harass, and intimidate another person, used any interactive computer service and electronic communication service and electronic communication system of interstate commerce, and any other facility of interstate and foreign commerce, to engage in a course of conduct that caused, attempted to cause, and would reasonably have been expected to cause substantial emotional distress to A.F., and placed him in reasonable fear of death and serious bodily injury.

In violation of Title 18, United States Code, Sections 2261A(2) and 2261(b).

I further state that I am a Special Agent with the Federal Bureau of Investigation, and that this Complaint is based on the following facts:

See attached Statement of Probable Cause, incorporated herein

Continued on the attached sheet and made a part hereof: Yes No

REVIEWED BY AUSA: William G. Voit

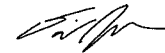


Digitally signed by WILLIAM VOIT
Date: 2020.09.16 10:29:15 -07'00'

Pursuant to 28 U.S.C. §1746(2), I declare under penalty of perjury that the foregoing is true and correct.

X Sworn to and Subscribed by Telephone.

Daniel Johnson, Special Agent, FBI
Complainant's Name and Title


Complainant's Signature

9/16/2020 11³⁰ AM
Date/Time

Phoenix, Arizona
City and State

Hon. Eileen S. Willett, U.S. Magistrate Judge
Name & Title of Judicial Officer


Signature of Judicial Officer

ELECTRONICALLY-SUBMITTED STATEMENT OF PROBABLE CAUSE

I, Daniel Johnson, being duly sworn, depose and state the following:

INTRODUCTION AND BACKGROUND

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI), and I have been so employed for approximately six years. As an SA of the FBI, I am an investigative or law enforcement officer within the meaning of Section 2510(7) of Title 18 of the United States Code; that is, I am an officer of the United States who is authorized by law to conduct investigations of, and make arrests for, offenses enumerated in Title 18.

2. I am assigned to the FBI Phoenix Field Office (although through mid-September I am serving a temporary detail). In the course of my official duties, I am charged with the investigation of crimes involving the violation of civil rights laws and hate crimes, as well as other offenses under Title 18, including cyberstalking and threatening interstate communications. The following information was developed by me and/or provided to me by other law enforcement officers, and other persons, in connection with the FBI investigation. The information contained in this affidavit is from my personal knowledge, as well as from information provided to your affiant by other law enforcement officers and/or witnesses, including those listed herein. Due to the fact that this affidavit is being made to establish probable cause, your affiant has not listed each and every fact known regarding this investigation.

3. The facts of this case, briefly summarized, are that on or about and between March 6, 2020, and September 16, 2020, in the District of Arizona and elsewhere, there is probable cause to believe that Kevin Thomas Kerr ("Kerr") committed Interstate

Communications Involving a Threat, in violation of 18 U.S.C. § 875(c), as well as Cyberstalking, in violation of 18 U.S.C. § 2261A(2) and 2261(b).

4. Briefly summarized, Kerr has communicated anti-Semitic threats of violence to an Arizona attorney whose initials are “A.F.” (hereinafter, “the victim”) using instruments of interstate commerce. For instance, on March 6, 2020, Kerr left a series of voicemails for the victim. They included anti-Semitic harassment, for instance repeatedly calling him “Jewy.” One voicemail also angrily threatened: “I’m going to come down there and rip your fucking skull in half”; “I’ve got like 30 felonies on your beady Jewish ass”; describing the victim as a “fucking rotten-ass Jew”; and threatening “I’m going to come down there, with my buddy” and “I’m going to rip your skull in half, and then you can have a reason to arrest me, you motherfucker.”

5. Kerr also communicated with and about the victim via email, including anti-Semitic harassment. For example, on September 8, 2020, Kerr emailed the victim, insinuated that he was part of a “Jewish mob stalking me,” and threatened that if it was “a Jewish militant gangstalking group they will fry.” Kerr also suggested that people were sending signals into his head and burning him via “DEWs,”¹ and he wrote that if people were “sending the DEWs into my head that will prove liberal lunatics are up for death penalty proceedings” and “[t]he DEWs will be proven and people will hang.”

¹ It is believed that Kerr was referring to Directed Energy Weapons, meaning a largely theoretical or experimental class of ranged weapons that damage a target with highly focused energy, such as lasers, microwaves, or particle beams. In Kerr’s interview, which is discussed further below, Kerr claimed he was being victimized by such weapons.

6. On the evening of September 15, 2020, Kerr emailed me that “I have a gun now,” claimed that “[t]he Jews are burning my body bad,” and stating “[t]ell the Jews they are flirting with the devil.”

PROBABLE CAUSE

7. On or about April 7, 2020, your affiant was contacted by detectives with the Phoenix Police Department (PXPd) regarding interstate threats received by a local citizen.

8. Your affiant reviewed reports and related materials authored by officers from the PXPd, which documented communications by Kerr directed toward the victim, an attorney at the Phoenix office of a national law firm. Their investigation revealed that Kerr had communicated a series of messages via email and voicemail to the victim.

9. According to the Waukegan Police Department, Kerr returned to Waukegan in either late August or early September 2019. According to Kerr’s statements in emails, Kerr’s statements to PXPd, and statements made in an interview by Kerr’s brother, Kerr previously resided in Scottsdale, AZ. Since returning to Waukegan, Kerr has been living at an address on Hyde Park Ave. in Waukegan, IL. According to Waukegan Police and to Kerr’s brother, Kerr has rarely left the home since returning to Waukegan.

10. According to the victim’s statements via interview with PXPd and the FBI, Kerr was fired in July 2019 by a company that the victim, an employment attorney, represents. Kerr threatened in August 2019 to sue the company for wrongful termination, retaining an attorney and sending a demand letter to the company. Kerr and his attorney ultimately did not pursue litigation. Subsequently, Kerr sent harassing emails to the client and to the victim.

11. The FBI currently possesses emails from Kerr, sent to the victim and/or his law firm, to the Waukegan Police, to the city of Scottsdale, to PXPDP, and others, from a variety of accounts. Kerr's emails have several consistent points of commonality: the email either has his name in the address or appears to be associated with his name; they commonly describe his termination, contemplated litigation, and the Phoenix lawyer who Kerr credits with subsequently orchestrating a scheme to monitor Kerr's phones, intercept his emails, and block Kerr from employment; and, Kerr frequently concludes his emails with "Thank you, Kevin."

12. The following are excerpts from some of the emails Kerr sent (spelling and grammar original, with certain identifying information redacted to protect the victim's privacy):

- a. On 1/29/2020 from kevinkerr11@yahoo.com: "I had a lawsuit against my former company in New Jersey and they hired a Phoenix lawyer to try and set me up. His name is [victim's name] and his office is located on Washington St in Phoenix. and they are still hacking in my emails to see where I am applying for jobs at and using burners to call my phone and parent's phone to harass me and my family. This needs to end immediately."
- b. On 2/05/2020 from seminolewin@yahoo.com: "I filed a lawsuit against [victim's client] back in July. They then hired a Phoenix lawyer to have my roommate spit in my face then lure me out into the living room where a camera was to catch me yelling at her. Three days prior to this she came home drunk and said I would not win the lawsuit and she was going to destroy my life. It is obvious they were planning this."

- c. On 2/05/2020 from seminolewin@yahoo.com: "I have to find a way to end this. They need to stay off my phone and let me live my life."
- d. On 2/08/2020 from seminolewin@yahoo.com: "I have confirmed it is the National Security Agency doing this. Why they would be targeting me is beyond me but I am sure this all stems from the lawsuit I had."
- e. On 3/10/2020 from kevinkerr11@yahoo.com: "I have been harassed now for almost 7 months for no reason at all. I am reaching out for help to solve this problem. I am not going to be driven insane as a result of a lawsuit. This isn't Iraq or Iran."
- f. On 3/12/2020 from kevinkerr11@yahoo.com: "The FBI..DEA.. and whomever else is in your corrupt corner do not intimidate me in the least and never have. I know what I did and didn't actually do. You assumed you did. That is where you made your costly mistake. Not allowing me to get a job is probably the biggest miscarriage of justice in history if you add in everything else that has gone into it."
- g. On 3/12/2020 from kevinkerr11@yahoo.com: "Your strategy is to drive me into a suicidal state when in reality you are killing yourselves."
- h. On 3/12/2020 from kevinkerr11@yahoo.com, cc'd to kkerr2914@gmail.com: "Keep them coming. I am going nowhere. All it takes is a few big boy opinion leaders who are Republican to knock you off your pedestal. If you aren't careful this will turn into a natural disaster. What you thought you had on tape and in facebook turned out to nothing but jibberish didn't it? Yes it did..yes indeed. Take your 40 felonies against me and RUN."

- i. On 3/12/2020 from kevinkerr11@yahoo.com: "I can shut this shit down in one hour if I want to be an asshole. I have been nice about this but keep it up. Shit is about to get real if they/you keep hacking my job apps. Spread the word."
- j. On 4/05/2020 from fbimenonevermind@gmail.com: "It seems this hacking could be coming from a left wing Jewish group who has prevented me from getting a job."

13. On March 6, 2020, Kerr called the offices of the victim's law firm in Phoenix and left several voicemails on his extension. These voicemails include a number of harassing and anti-Semitic slurs, and they escalate to make explicit threats of harm to the victim. Based on my subsequent in-person interview of Kerr (described later in this Affidavit), I recognize the voice on these voicemails as being Kerr.

14. The following are excerpts from certain voicemails left on the victim's office telephone on March 6, 2020, transcribed phonetically from the recordings (bolded emphases added):

- a. "Jewy [victim's name]"
- b. "I'm looking for Jewy [victim's name]."
- c. "Yes yes yes. I'm looking for [victim's name]. Yes yes yes; [victim's first name], before it was Jewy ... or is it [victim's first name] Felony [victim's last name]? I'm looking for Felony on Me [victim's last name]!"
- d. "Yeah, [victim's name]. It's Kevin Kerr, man. I don't know if a detective called you, but here's the story, man. You're trying to bait me, you're trying to bait me, you sent [unclear, possibly "drugs"], you sent hookers. Here's what's going to happen, [victim's name]. Keep blocking my jobs, here's what

I'm going to do; this ain't no bait, **I'm going to come down there and rip your fucking skull in half.** You're fucking having people call my parents' house, harassing fifty times a day, [victim's name], ok, the cops already know, so this isn't a threat, you can record this, you know, send it to anyone you fucking want to, for what you've done to me, you're fucking, I've got like 30 felonies on your beady Jewish ass. That's right, you're a fucking rotten-ass Jew. Okay. And this is why people do not like your kind. Cause you're a snake, you're a rat bastard. Ok. And this isn't a threat, this ain't a postulate, mother fucker, it's a fucking given. I'm going to come down there, with my buddy, who's a fucking [unclear, possibly "Chicago detective"], **I'm going to rip your skull in half, ok, I'm going to kick you in your fucking balls, I'm going to rip your skull in half, and then you can have a reason to arrest me, motherfucker.** You keep baiting, you keep baiting, you fucking provide drugs, you're a piece of dog shit, [victim's name]. Okay. And that's what you are. You can job block me, but you know what's going to happen, [victim's name]? When the world gets wind of what you did, everyone's going to want to rip your Jewish balls in half."

15. Based on listening to this voicemail, Kerr's tone of voice appears to be angry, and he escalates to yelling several times, including as he describes inflicting physical harm on the victim, which he describes as a "fucking given."

16. Records subpoenaed from Cellco d/b/a Verizon confirmed that phone calls were made on March 6, 2020, to the work phone number of the victim at the victim's law firm from phone number 224-355-8791. In response to a subpoena, Cellco d/b/a Verizon

revealed that 224-355-8791 is subscribed to Karen A Kerr at the address on Hyde Park Ave. in Waukegan, IL. I met Karen Kerr during the interview of Kevin Kerr, described below, and by report she is Kevin Kerr's mother.

17. In my training and experience, I understand the service providers associated with the email accounts used to provide electronic mail and other electronic services utilizing the internet, an international network of interconnected servers and computers, which is an instrumentality of interstate and foreign commerce. I likewise understand, based on my training and experience, that telephone calls operate by utilizing a nationwide interconnected telecommunications system, which is also an instrumentality of interstate commerce.

18. The FBI obtained search warrants to search the following email accounts: kevinkerr11@yahoo.com, seminolewin@yahoo.com, kkerr2914@gmail.com, and fbimenonevermind@gmail.com. The contents of those email accounts reveal that Kerr sent emails to the victim, to members of Kerr's family, and to other persons describing what Kerr referred to as "gangstalking" in which Kerr was the "Targeted Individual." The emails also revealed a number of concerning potentially violent or anti-Semitic statements. For instance:

- a. In an email sent to Kerr's father on 7/20/2019, Kerr wrote, of a woman he resided with in Scottsdale, "I was either going to kill her or kill myself and these girls all said on my watch you are doing nothing of the sort."
- b. On 12/13/2019, Kerr wrote to the Scottsdale woman, "Do you plan on paying me back any of the money you owe me or are you and shady boy just going to Jew me?"

- c. On 12/22/2019, Kerr wrote to a friend, "I used to fuck a couple of rich Jew's wives because they hated their sleaze ball husbands. Is his name Butlerberg? The truth hurts now doesn't it?"

19. Kerr frequently sent emails from one of his accounts to another. Kerr commonly ended his emails with "Thank you, Kevin," in these communications. Many of these emails contained anti-Semitic content or threatening language:

- a. On 12/24/2019, Kerr wrote, "Going to Johnny the Jew's house tonight to orchestrate an aerial attack on all non Jews. Jew Power or No Power!"
- b. On 1/16/20, Kerr wrote, "Looks like Weird [victim's name] has a bounty on his head. I got friends in low places ...whiskey bottles and Uzi mind erasers...ya I got friends.... . keep hacking my shit [victim's first name]. I am done with this shit from this guy. I got your address on speed dial. Thanks for the tip."
- c. On 2/01/2020, Kerr wrote, "I have a job and their is not 1 rat bastard conniving Jew in that company. Print it bitches."
- d. On 2/15/2020, Kerr wrote, "If you don't like being labeled a Jew rat bastard don't be one. Period."
- e. On 2/15/2020, Kerr wrote, "If you are hacking you are a Jew Rat Bastard. Period. If you aren't you won't even see this."
- f. On 2/15/2020, Kerr wrote, "The Jew Rat bastard will be a lawyer no longer very soon."
- g. On 2/15/2020, Kerr wrote, "When I come to AZ [victim's name] will get a 1 on 1 visit from me to discuss his atrocities. My idea and your idea of starting over are not the same."

- h. On 2/15/2020, Kerr wrote, "The Jew Crew is who I thought they were. Money hungry Harvard trailer trash with a dash of butt love thrown into the mix."
- i. On 2/15/2020, Kerr wrote, "You can trust a gang banger out of the ghetto who has killed 10 people more so than a Jew out of Harvard any day of the week."
- j. On 3/09/2020, Kerr wrote, "You still have my calls and emails being blocked because the Jew lawyer knows I have him by the balls."
- k. On 3/09/2020, Kerr wrote, "You rich Jewz try and bait people. You will see what happens for you smearing me. I am going to bait [victim's name] right out of the bar association with my 300 pages of incriminating evidence against him. If you are not hacking my Jew comments won't even bother you. Happy HACKING HEBES"
- l. On 3/27/2020, Kerr wrote, "I WILL HAVE NONE OF IT. I AM SICK OF THE COCKAMAMIE JEW SLIMEBALL TACTICS I HAVE FACED FOR 7 MONTHS. WHY THE FUCK I AM BEING MONITORED AND JOBLESS IS BEYOND ME. I WILL RAM THIS DOCUMENTATION UP [victim's name]'S ASSHOLE AND IN A NORMAL SOCIETY HE WOULD GO TO PRISON."

20. On September 2, 2020, I traveled to Waukegan, Illinois, to interview Kerr in person. The interview took place at Kerr's residence at the address on Hyde Park Ave. in Waukegan. I recognized Kerr's voice as the voice of the person who left the threatening message on the victim's voicemail. To briefly summarize, Kerr claimed that he was the victim of gangstalking that began when his employment was terminated and he began seeking a settlement. Kerr described an elaborate conspiracy involving, among other things,

control of Kerr's phone and email, audio and video surveillance of Kerr's activities, harassment of Kerr by federal agents, and insertion of doppelgangers of Kerr's friends and family into Kerr's life. Kerr believed that the conspiracy was initiated by the victim, and admitted calling and emailing the victim, as recently as the week prior to the interview. Kerr ultimately denied that any of his communications were threatening or anti-Semitic.

21. Kerr also made statements during the interview claiming that he was the victim of "Directed Energy Weapons." Kerr claimed that he had been victimized by Directed Energy Weapons in his sleep and suffered injuries to his head that were consistent with descriptions of DEW-caused injuries that Kerr had read about online.

22. On September 2, 2020, I received at my official FBI email account an email from Kerr (from kerrk02@gmail.com, signed "Kevin," and referencing our interview). The email stated in part: "The set ups and con games here have run their course. I know you knew I was sleeping yesterday when you came through that remote neural eye monitoring that Microsoft developed. I don't know why you wouldn't have called first to set up a time. Maybe it was because they zapped me all night and wanted me to sound erratic on the recording. I know how the game works." I have since received additional emails from Kerr.

23. Further, on September 8, 2020, Kerr sent an additional email to the victim at his firm email address (from kerrk02@gmail.com, subject line "Settlement Kevin Kerr," signed "Kevin," and containing references to the ongoing conflict with the victim). The email insinuated that the victim was part of a "Jewish mob stalking me," and threatened that if he was being harassed by "a Jewish militant gangstalking group they will fry." Kerr also suggested that people were sending signals into his head via "DEWs," and he wrote that if

people were “sending the DEWs into my head that will prove liberal lunatics are up for death penalty proceedings” and “[t]he DEWs will be proven and people will hang.”

24. The email contains a number of disjointed assertions about being persecuted by the “Jewish mob stalking me.” In full, the email states:

Hey [victim’s name]-

Just tell them to send me my 123 grand for the lawsuit. The tapes prove you tampered and bribed. You were in that condo and the hotel lobby and involved in the Microsoft gangstalking. You gave me fake interviews too. Why these idiots continue to gangstalk is beyond me..

I haven't been in AZ for a year. The info on the tapes is fake. All my transactions were with well known escorts which is legal. I told the FBI at my house to get the tapes. I have never seen or touched heroin in my life. They are full of shit. I know they relayed you the information. They didn't fool me in the least. I believe this is Jewish mob stalking me and not the government. I believe you informed me of that when you impersonated Lomonaco in the FB message. One of you did. Then that message was deleted.

If it is Mesa doing the stalking they need to end it. They are making false accusations and holding me out of a job as a result. They posted nude pictures of me on the internet too by means of hacking my phone. Illegal as hell. They also found bogus messages about me going to Mexico and such and none of that ever occurred. I was bullshitting and no one will tell you I was ever near Mexico or had anything to do with drug dealing. It never happened. A bag of dope was also planted in my book bag which I found and have kept for 383 days. My prints are not on it. Obviously Saige or Sara put it in there so there is yet another nail in the coffin. Mesa cyber has no business on my phone so if it is them sending the DEWs into my head that will prove liberal lunatics are up for death penalty proceedings. If you or Mesa has the tapes turn them over to the police here or the FBI for review. I am innocent on all counts and that will be proven beyond the shadow of a doubt.

Due process is what needs to occur at this point and people need to be held accountable She lured me to that hotel next to Cyber Security for stalking purposes. You were in the lobby. Ball game is over. I am done dealing with a bunch of crazed lunatics. You can't continue to block my jobs based off of lies and entrapment. The laws of the land need to take over from here or simply walk away. My SIM card should not have been hijacked for gangstalking purposes. You promised a settlement and reference letter as a Remote 11 months ago. Where is it? It is time to make it right. Like right about now.

If they continue to pull this TI bullshit on me I will get at least a million bucks.

Trust me on that. The DEWs will be proven and people will hang. The State of AZ and/or Illinois along with others will be exposed as criminals. If it is only a Jewish militant gangstalking group they will fry. It won't be difficult to pin it down.

Thanks,

Kevin

25. On September 9, 2020, I received additional emails from Kerr (from kerrk02@gmail.com, making similar references regarding this matter). One such email included additional references to supposedly being antagonized by a “Jewish guy,” and it began: “Tell them they have had their sadistic fun and now it is time to run.” Kerr has continued to send me emails.

26. In the late evening and into the early morning hours of September 15-16, 2020, Kerr sent additional emails (from kerrk02@gmail.com) to the victim at his firm email address. The emails continued to include harassing and anti-Semitic content. For instance, one email called the victim “shyster,” accused him of being part of a “violent Jewish extremist group,” and threatening that the victim “will rot in hell” if the victim disclosed that Kerr was harassing the victim. That email reads in full:

You need to tell me where the video can be located so I can clear my name. They/you are burning my skull with military weapons because of it. I have a radio interview on Friday and the DEW wounds are plain as day..You are associated with the violent ADL outfit who is likely in on the weapons being fired. If you tell anyone I am harassing you and you know nothing you will rot in hell. If this violent Jewish extremist group wants to be on center stage Fri morning keep it up. The FBI guys you sent over here are in on it too. They did not fool me in the least. You can try and claim I am mentally ill. You will rot in hell for that too. Good day shyster

27. Other email content sent by Kerr to the victim during the evening references an intent to harass the victim’s client. For instance, one of the emails states in part: “Tell your client to get the hell off my phone. I will call them tomorrow. You told me to cease and desist yet they have been hacked in for a year now. I had good reason to bug them last year. I have good reason to hammer them now.”

28. Also in the evening hours on September 15, 2020, I received an additional email from Kerr (from kerrk02@gmail.com) at my official FBI email address. The subject line was “DEWS,” again apparently reflecting Kerr’s belief that he was being victimized by

Directed Energy Weapons, and in it Kerr states "I have a gun now," he claims his body was being burned by Jews, and he includes other anti-Semitic and concerning content. In full, the email states:

I need an update The Jews are burning my body bad. I have a gun now because it appears they would rather kill me than leave me alone. They already had a guy punch me in the face Tell the Jews they are flirting with the devil. They are the ones who committed all the crimes. They need to get the fuck off my phone and quit following me around. I will show up at Pritzker's^[2] door and read him the riot act. He ordered hits on me in alleys..

If he says he didn't he is a liar. He needs to take me off his bullshit list. I don't believe in Judaism. My choice. I don't believe in the BLM crap. My choice. I have many black friends who don't either. Their choice. No I had nothing to do with fucking heroin. I am sick and tired of the Jewish lies Gangstalking was deemed illegal a year ago. I have all the proof in the world. These people are fooling themselves and they don't believe it. They are threatening me with arrest when I can put them away for a long long time. I got call girls A judge will laugh at them..I don't abide by Judaism. It is obviously a sick religion if they think this crap is ok.

CONCLUSION

29. Based on the foregoing, I believe that there is probable cause to support that between on or about and between March 6, 2020, and September 16, 2020, within the District of Arizona and elsewhere, Kerr violated federal law by committing Interstate Communications Involving a Threat, in violation of 18 U.S.C. § 875(c), as well as Cyberstalking, in violation of 18 U.S.C. § 2261A(2) and 2261(b).

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² This appears to be a reference to Jay Robert "J.B." Pritzker, the Governor of Illinois.

30. This affidavit is being sworn telephonically before a United States Magistrate Judge legally authorized to administer an oath for this purpose. I have thoroughly reviewed the affidavit and attest that there is sufficient evidence to establish probable cause that the defendant committed the crimes alleged.

31. I respectfully request that an arrest warrant be issued for Kerr.


Pursuant to 28 U.S.C. § 1746(2), I declare that the foregoing is true and correct to the best of my knowledge and belief.



Daniel Johnson, Special Agent, FBI

Sworn to and subscribed telephonically:

Date/Time: 9/16/2020 11³⁰ AM



HON. EILEEN S. WILLETT
United States Magistrate Judge