

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**FILED**

**AUG. 5, 2021**

Clerk, U.S. District & Bankruptcy  
Court for the District of Columbia

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BRETT ANDREW NELSON,

Petitioner,

v.

KENNETH MURRAY PLOTZ, *et al.*,

Respondents.

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) Civil Action No. 21-1855 (UNA)  
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**MEMORANDUM OPINION**

This matter is before the Court on review of this *pro se* Petitioner’s application to proceed *in forma pauperis* (ECF No. 2), as well as his “Non-Statutory Summary Post-Trial Ex Parte Claim in the Form of Petition for Writ of Prohibition; Petition for Writ of Estoppel; Petition for Writ of Replevin; and Petition for Writ of Execution” (ECF No. 1, “Pet.”).


Petitioner, who identifies himself as Brett-Andrew: House of Nelson, alleged that, “[o]n September 24, 2020, Brett-Andrew: House of Nelson was arrested in place of defendant BRETT A NELSON.” Pet. ¶ 24. Having obtained a warrant, police officers searched Petitioner’s Gunnison County, Colorado residence on September 25, 2020, and seized property including “a computer, a hard drive, birth certificate, sealed and signed arbitration awards, copious amounts of paperwork, mail and an iPhone.” *Id.* ¶ 27. Petitioner has attached a “Motion to Suppress Warrant and to Dismiss With Prejudice” (ECF No. 1-1), presumably filed in Colorado’s 7<sup>th</sup> Judicial District, challenging the validity of the search warrant, alleging prosecutorial misconduct, and demanding dismissal of criminal charges brought against him. *See generally id.*

Petitioner alleges that he and the respondents “entered into a sealed covenant and stipulation and settlement agreement providing immunity from prosecution with the Respondents and Principal THE STATE OF COLORADO that has been adjudicated as binding through proper common law arbitration where the awards made pursuant to arbitration have never been vacated, modified or corrected.” Pet. ¶ 12; *see id.* ¶¶ 15-12, 38. Petitioner argues that his purported success in obtaining favorable arbitration awards makes him immune from criminal prosecution in the State of Colorado under the terms of the underlying settlement. He asks this Court to enjoin respondents from pursuing any civil or criminal actions against him, to order respondents to return his property, and to award him \$65,000 for each month he has been deprived of his property, “payable . . . in constitutional or lawful money redeemable in gold or silver coin[.]” *Id.* at 23 (page number designated by CM/ECF).

Notwithstanding Petitioner’s insistence that he filed this case for the sole purpose of enforcing the supposed arbitration awards, *see id.* ¶¶ 1, 4, the Court construes the petition as an effort to avoid prosecution. Petitioner has not produced, nor could this Court identify, any support for the proposition that a federal district court in the District of Columbia is authorized to insert itself into or dismiss a criminal case properly before a state court of Colorado.

The Court will thus grant Petitioner’s application to proceed *in forma pauperis* and dismiss the petition. An Order is issued separately.

DATE: August 4, 2021

  
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CARL J. NICHOLS  
United States District Judge