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04-BK-012

Committee on Rules of Practice and  
Procedure of the Judicial Conference of the  
United States

January 24, 2005

Peter G. McCabe, Secretary  
Washington, D.C. 20544

NOTICE of comments on proposed changes of the Federal  
Rules of Practice and Procedure

Dear Secretary McCabe,

My name is John Anthony Malen and I have objections  
to two (2) of the 2004 proposed Amendments to the Bankruptcy  
Rules. The first pertains to Rule 4002 - Duties of Debtor,  
the second pertains to Official Form 6.

With respect to Rule 4002, I want to see the word  
"or" inserted on line 32 after the word stub. As you  
should know, the word "income" is not defined in the Bank-  
ruptcy Code or for that matter the Internal Revenue Code  
either - see United States v. Ballard. You should further  
know that information provided could (will) be used against  
a "person" in a civil or criminal action. The words "voluntary  
production of" must be inserted in the text or in the alternative,  
reference must be made to the appropriate statutes in the

Bankruptcy and CRIMINAL Code Alerting the Debtor to the fact that he can claim immunity with respect to the information he provides.

With respect to Official Form 10, the new language seeks to include the "income" of the spouse who is not part of the original petition. This language is extremely prejudicial and unfair to the Debtor in that the 341 Trustee could easily attribute "income" to the debtor and thereby create a basis to deny the debtor's petition.

I must hereby make demand you honor your fiduciary responsibility as a public servant and forward my objections in their entirety to the Advisory Committee wherein they can make the substantial changes contained herein.

Due to my inability to communicate this to you through the United States Postal Service Certified MAIL system, I am attaching hereto a Notorized Certificate of mailing.

Constitutionally Yours,

A good and Lawful Christian  
in want of counsel

2 of 2

John Anthony, Malon  
LAKE County JAIL  
2293 N. Main St  
Crown Point, Indiana  
[46307]

# Certificate of mailing

I certify that on JANUARY 25, 2005, I mailed a two page objection to proposed changes of the Federal Rules of Practice and Procedure to: Secretary Peter G. McCabe of the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States, located at Washington, D.C. 20544 by depositing same in the Lake County JAIL internal mail system in a properly addressed, sufficient first class postage affixed envelope to be delivered by the United States Postal Service.

Subscribed and Affirmed to me a Notary Public and a correction officer in the Lake County Indiana JAIL this 24<sup>th</sup> day of January 2005 at the County of LAKE, INDIANA.

DEBORAH JEAN STACK

NOTARY (Printed Name)

*Deborah Jean Stack*

NOTARY SIGNATURE

DEBORAH JEAN STACK  
NOTARY PUBLIC STATE OF INDIANA  
LAKE COUNTY  
MY COMMISSION EXP. MAY 6 2010

SEAL

my commission expires: