

May 28, 2015

TO: WHOM IT MAY CONCERN

FR: JOHN GREGORY LAMBROS, #00436-124, U.S. Penitentiary Leavenworth, Leavenworth, Kansas 66048-1000.

RE: NAMES OF LAW FIRMS THAT RECEIVED LAMBROS' MAY 28, 2015 LETTER REGARDING -  
"LEGAL SERVICES - 'FSIA' LAWSUIT AGAINST BRAZIL FOR TREATY VIOLATION."

GIBSON DUNN  
Attorneys at Law  
1050 Connecticut Avenue, N.W.  
Washington, DC 20036-5306

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New York, NY 10022

DEBEVOISE & PLIMPTON LLP  
Attorneys at Law  
919 Third Avenue  
New York, NY 10022

The May 28, 2015 letter is attached for your review - four (4) pages with a one (1) page exhibit.

Thank you for your consideration in this matter.

Sincerely,

  
John Gregory Lambros  
Website: [www.Lambros.Name](http://www.Lambros.Name)  
[www.PAROLE.Lambros.Name](http://www.PAROLE.Lambros.Name)

May 28, 2015

John Gregory Lambros  
Reg. No. 00436-124  
U.S. Penitentiary Leavenworth  
P.O. Box 1000  
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Website: [www.Lambros.Name](http://www.Lambros.Name)  
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RE: LEGAL SERVICES - "FSIA" LAWSUIT AGAINST BRAZIL FOR TREATY VIOLATION

Dear Sir or Ma'am:

Your firm was listed within NML CAPITAL vs. REPUBLIC OF ARGENTINA, 2011 U.S. Dist. LEXIS 99502 (Dist. of NY, 2011), as counsel for NML Capital, et al., in securing winning rulings against Argentina, that eventually enabled Paul Singer, founder of Elliott Management and Mark Brodsky, founder to Aurelius to proceed to the U.S. Supreme Court and act on same. See, REPUBLIC OF ARGENTINA vs. NML CAPITAL, LTD., 134 S. Ct. 2250 (June 16, 2014). Therefore, proof your lawyers are very knowledgeable within the area of "THE FOREIGN SOVEREIGN IMMUNITIES ACT OF 1976" (FSIA). 28 U.S.C. §§ 1330, 1332(a)(4), 1391(f), 1441(d), 1602-1611.

It is my belief that "FSIA" allows the sole basis for jurisdiction over my lawsuit against Brazil for Extradition Treaty violations and false imprisonment. ARGENTINE REPUBLIC vs. AMEREDA HESS SHIPPING CORP., 488 U.S. 428 (1989).

**POTENTIAL SETTLEMENT IN THIS ACTION:** From \$150 to \$500 million plus costs and attorney fees against Brazil. See, SLEVIN vs. BOARD OF COMMISSIONERS FOR THE COUNTY OF DONA ANA, 934 F. Supp. 2d 1282, 1285 (Dist. of New Mexico, January 8, 2013) ("Next, the jury found the Detention Center liable for the torts of **FALSE IMPRISONMENT** .... Finally, the jury fixed the amount of compensatory damages at \$15.5 million, to include **\$500,000 FOR EACH MONTH THAT PLAINTIFF WAS INCARCERATED**, plus an additional \$1 million for each year since Plaintiff's release from custody). Lambros was arrested in Brazil in 1991.

**BRIEF OVERVIEW OF FACTS IN THIS ACTION:**

1. August 21, 1989, U.S. Parole Commission issued "WARRANT" for the arrest of Lambros, to serve 5,357 days (14½ years).
2. May 17, 1991, DEA and Brazilian Federal Police arrest Lambros in Rio de Janeiro, Brazil pursuant to August 21, 1989 U.S. Parole Commission "WARRANT".

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3. Lambros was tortured by Brazilian Officials.

4. April 30, 1992, Supreme Court of Brazil granted "PARTIAL EXTRADITION" of Lambros to the U.S. in extradition case No. 539-1, due to drug charges. **LAMBROS WAS NOT EXTRADITED ON AUGUST 21, 1989 U.S. PAROLE COMMISSION WARRANT.**

5. Brazilian Supreme Court allowed Lambros to be extradited when it knew that the **ONLY SENTENCE** Lambros could receive was a **MANDATORY LIFE WITHOUT PAROLE**, as per documents submitted to Brazil by the U.S. Department of State and Lambros' attorney's. Lambros received a sentence of **MANDATORY LIFE WITHOUT PAROLE** after a jury trial in the U.S., that he overturned on direct appeal. See, U.S. vs. LAMBROS, 65 F.3d 698 (8th Cir. 1995).

6. The Brazilian Constitution **DOES NOT** allow a sentence of **LIFE IMPRISONMENT**. The Brazilian Constitution consolidates **ARTICLE 75** of the Brazilian Criminal Code which limits the **MAXIMUM PRISON SENTENCE TO THIRTY (30) YEARS**. See, STATE vs. PANG, 940 P.2d 1293, 1352 (Wash. 1997). As you know, a treaty cannot change the Constitution or be held valid in violation thereof. See, CHEROKEE TOBACCO vs. U.S., 78 U.S. 616, 620-621 (1871). Under the Constitution, the treaty power **CANNOT OVERRIDE CONSTITUTIONAL LIMITATIONS RESPECTING INDIVIDUAL RIGHTS**. See, REID vs. COVERT, 354 U.S. 1, 16-18 (1957).

7. **U.S. PAROLE COMMISSION'S POSITION:** The Parole Commission **REFUSES** to drop the 1989 "WARRANT", knowing Lambros was not extradited on same. The Parole Commission states it will not execute the "WARRANT" until Lambros finishes serving his current 30-year term of imprisonment - **JULY 14, 2017**. At that time Lambros will be forced to serve approximately 4 to 6 more years due to the "WARRANT".

8. **DETAINDER - THE "WARRANT" ACTS AS A DETAINDER PREVENTING LAMBROS FROM ATTENDING THE DRUG PROGRAM:** The August 21, 1989 "WARRANT" from the U.S. Parole Commission has been placed as a **"DETAINDER"** against Lambros within the U.S. Bureau of Prisons. The Bureau of Prisons has **REFUSED** Lambros access to the "RESIDENTIAL DRUG ABUSE PROGRAM (RDAP)", that would of allowed **TWELVE (12) MONTHS** early release prior to expiration of Lambros' term of incarceration. See, Title 18 U.S.C. §3621 (e)(2)(B). Inmates with **DETAINERS LODGED AGAINST THEM ARE INELIGIBLE FOR "RDAP" TREATMENT**, as they would be unable to complete the community-based treatment phase of the program. See, ESPINOZA vs. LINDSAY, 500 Fed. Appx. 123, 125 Fn. 2 (3rd Cir. 2012), citing, McLEAN vs. CRABTREE, 173 F.3d 1176, 1184 and 1186 (9th Cir. 1999).

a. See May 11, 2015, Lambros "MEMORANDUM" regarding the above detainer not allowing Lambros a **TWELVE (12) MONTH REDUCTION OF HIS SENTENCE**. Therefore, **JULY 14, 2016**. Download this document at:

[http://lambros.name/pdf/May11\\_2015\\_Memorandum.pdf](http://lambros.name/pdf/May11_2015_Memorandum.pdf)

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9. U.S. PAROLE COMMISSION "WARRANT" PREVENTS PRE-RELEASE CUSTODY: Without the "WARRANT" - "DETAINER" Lambros would be eligible for "PRE-RELEASE CUSTODY" to a halfway house up to ONE (1) YEAR EARLY to adjust and prepare for reentry into the community. See, 18 U.S.C. §3624(c)(1) and 28 C.F.R. §570.21(a).

10. The ILLEGAL U.S. Parole Commission "WARRANT" - "DETAINER" has denied Lambros access to the "RESIDENTIAL DRUG ABUSE PROGRAM (RDAP)" and "PRE-RELEASE CUSTODY" that amount to **TWO (2) YEARS, THUS A RELEASE DATE OF JULY 14, 2015.**

11. Lambros believes "PREJUDICE" has been established, as his sentence has been increased. See, GLOVER vs. U.S., 531 U.S. 198 (2001)(Yes this was an ineffective assistance of counsel case - but I believe the theory may be applied against Brazil).

THE FOREIGN SOVEREIGN IMMUNITIES ACT OF 1976 (FSIA):

12. Lambros purchased Attorney Ernesto J. Sanchez's (2013) book entitled "THE FOREIGN SOVEREIGN IMMUNITIES ACT DESKBOOK". After spending two (2) weeks reading and researching the book, I believe my claims are valid against Brazil. Lambros has outlined his claims and supported same with case law to turn the following December 12, 2014 letter to the U.S. Parole Commission into a play-book, at least a great starting point, as to my FSIA suit against Brazil. I strongly doubt you will ever have a client with the legal background I have regarding FSIA and criminal law. Therefore, very little hand holding.

13. DECEMBER 12, 2014: Lambros wrote Johanna Markind, Assistant General Counsel for the U.S. Parole Commission, "REQUESTING U.S. PAROLE COMMISSION TO GRANT RELIEF AND CONSERVE JUDICIAL RESOURCES BEFORE JOHN GREGORY LAMBROS PROCEEDS AGAINST 'BRAZIL' REGARDING EXTRADITION JUDGMENT #539-1, PURSUANT TO 'THE FOREIGN SOVEREIGN IMMUNITIES ACT' FOR FALSE IMPRISONMENT." This document offers an excellent overview of the above facts and laws associated with same. Again, this is the play-book "MEMORANDUM OF LAW" regarding the illegal August 21, 1989 "WARRANT" (detainer) that I WAS NOT extradited on by the Supreme Court of Brazil. This document is available within the following subdomain of Lambros' website: (PDF Format) **PLEASE DOWNLOAD AND READ!**

[http://lambros.name/pdf/Dec12\\_2014\\_Letter.pdf](http://lambros.name/pdf/Dec12_2014_Letter.pdf)

14. Many of the above stated facts regarding my arrest and extradition from Brazil have been researched and supported by law, by the oldest and whom most consider the most prestigious law firm in Minnesota, **BRIGGS AND MORGAN, P.A..** Briggs and Morgan was appointed by the court to represent me within my civil RICO

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legal malpractice action against my attorney. Facts are contained within the August 15, 2000 "PLAINTIFF'S MEMORANDUM IN OPPOSITION TO DEFENDANTS' COMPREHENSIVE MOTION TO DISMISS OR FOR SUMMARY JUDGMENT." See, LAMBROS vs. CHARLES W. FAULKNER, et al., Civil Case No. 98-1621 (DSD/JMM), U.S. District Court for the District of Minnesota. The entire 29 page motion may be downloaded in **PDF FORMAT** by going to Lambros' website: EXHIBIT A. (Page 1 of "PLAINTIFF'S MEMORANDUM ...")

[www.Lambros.Name](http://www.Lambros.Name)

and scrolling-down to the document which is offered within the first ten pages of the homepage.

15. My research reveals that 28 U.S.C. §1605(a)(5)(B) **DOES NOT** exclude the following claims from the FISA §1605(a)(5) tort exemption:

- a. Infliction of mental or emotional distress;
- b. False imprisonment;
- c. False arrest;
- d. Conspiracy to aid and abet false arrest and false imprisonment;
- e. Battery; and
- f. Assault.

See, Pages 10 and 11, Paragraph 21, within December 12, 2014 letter [paragraph 13 above] that supports the above torts with case law.

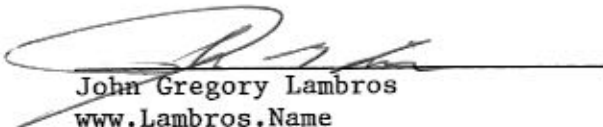
**CONCLUSION:**

16. The facts and legal research I have compiled in this proposed action appears to present a favorable risk/reward opportunity to you firm in billable hours, that should not require substantial resources in brief preparation, litigation and favorable settlement and collections of award.

17. Please forward the financial resources needed to proceed in this action and/or most preferred pro bono/contingent fee contract.

18. Thank you in advance for your consideration in this most important matter.

Sincerely,

  
John Gregory Lambros

[www.Lambros.Name](http://www.Lambros.Name)

1

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

JOHN GREGORY LAMBROS,

CIVIL CASE # 98-1621 (DSD/JMM)

Plaintiff,

vs.

CHARLES W. FAULKNER, sued as  
Estate/Will Business Insurance of deceased  
Attorney Charles W. Faulkner, SHEILA  
REGAN FAULKNER, FAULKNER &  
FAULKNER, and JOHN AND JANE DOE,

Defendants.

**PLAINTIFF'S MEMORANDUM IN OPPOSITION TO DEFENDANTS'  
COMPREHENSIVE MOTION TO DISMISS OR FOR SUMMARY JUDGMENT**

**INTRODUCTION**

John Gregory Lambros seeks relief from this Court for the actions of Charles W. Faulkner, his federally-appointed public defender. Mr. Lambros respectfully asks this Court to deny the Defendants' Motion to Dismiss, because Mr. Lambros has stated a claim upon which relief may be granted, and the Defendants' Motion for Summary Judgment, because genuine issues of material fact exist with regard to Mr. Lambros' claims.

**FACTUAL BACKGROUND**

Mr. Lambros is currently "IN CUSTODY" serving a 52½ year imprisonment for a United States Parole Commission violation that he was arrested on in Brazil, retaking took place, 5,357 days (14½ years) and a 360 month (30 years) sentence for convictions on one count of conspiracy to

1187543.4

August 15, 2000

**EXHIBIT B.**

**EXHIBIT A.**