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JAN 23 2014

U.S. DISTRICT COURT
MINNEAPOLIS, MINNESOTA

United States District Court
District of Minnesota

U.S. Securities and Exchange
Commission (SEC)

case no.: 11-cv-574

Plaintiff

v.

Jason B. Beckman, et.al.

JAN 23 2014

Respondent

SCANNED
JAN 27 2014
U.S. DISTRICT COURT MPLS

MOTION TO PROCEED

"By order dated September 6, 2011, the court stayed the proceedings in this case pending conclusion of the criminal proceeding against Respondent. The order defined 'conclusion' as either return by the jury of a verdict of not guilty on all counts of the indictment, or sentencing whichever is applicable" (court order, document no. 310).

By Order dated July 19, 2012, the Motion to Lift the Stay [Doc. No. 305] to Proceed was denied because it was premature.

In January 2014 the Respondent was sentenced in the criminal proceeding, thus establishing as so described in the Court's Order [Doc. 310], a "conclusion". Accordingly, the Respondent now submits to the Court this Motion to Lift Stay and to Proceed.

While the adjudication process was stayed, the intermediary results of this case; allowing such allegations (and so without confrontation) heard by and filed with this Court and made public by Petitioner (SEC) have proved to

create meaningful prejudice. While the Petitioner has appreciated certain (and extensive) relief, the Respondent has not: the mechanism toward confronting directly and specifically.

The Respondent was timely in his request to "Trial by Jury" and it has been fully disclosed and recorded in pre-trial proceedings the Plaintiff's intent of counter claims.

Further creating prejudice in this case was the removal of Respondent's opportunity of selection or choice of Counsel, while their was adequate funds (and a substantial insurance policy specifically for such events or similar) in the Estate, the Respondent was denied access or usage.

This resulted in, among other things, in an appointment of under resourced Counsel and provided the opportunity for the prosecution to alternatively utilize the Counsel the Respondent would have otherwise ~~been~~ retained, or could have retained.

The suggested evidence presented to this Court by Petitioner, giving cause for additional actions to the detriment of the Respondent, has further prejudiced. Material submitted as factual and utilized for Grand Jury consideration, for example, was shown later to be erroneous or false, including material admitted to and stipulated so (as false) by the Prosecution.

This case was the Genesis of a Series of events affecting the Respondent without the Respondent's opportunity to confront in an environment requiring the meeting of level of burden by Petitioner, a level different than that of a criminal trial. As the information utilized to cause such damage to Respondent was misrepresented and or found to be erroneous, thus; reasonably showing that it would have affected and influenced Petitioner's ability to have met the required burden.

Further prejudice is in the dissemination of false or misleading information provided by the Petitioner by an authoritative body (or bodies)

as a result of this case (and its subsequent stay). The mass publication by an "extension of the court" outside their bounds and of an affiliated agency making claims made of opinion and with no probative measure lays significant foundation for prejudice.

Had the case simply been "stayed" without any affect or influence on the Respondent; that is one thing, but the ultimate adverse and prejudicial effects (of insurmountable measure) cannot be rationalized or legitimized by a result that is suggested to give it support when that which gave such cause was in error to begin with: Such damage gives purpose

to this request to proceed. The Petitioner cannot provide false information that can be utilized as a basis for action and used to provide additional support causing results that in turn give support to that same erroneous information so as to make it true.

Based on the aforementioned and Constitutional rights of Respondent; the Respondent respectfully requests of the Court the granting of the Motion to Lift the Stay and to Proceed.

16 January 2014

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CLERK, US DISTRICT COURT
MINNEAPOLIS, MN

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