UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	)	
	)	
v.	)	Nos. 16-cr-10305-NMG
	)	23-cv-12267-NMG
MARTIN GOTTESFELD,	)	
Defendant.	)	

DECLARATION RE DATA AND TABLES

Declaration Text

1.   This declaration serves as a detailed and transparent
exposition of the computer-assisted methodologies used to reach
detailed conclusions about the randomness of case assignments in the
U.S. Court of Appeals for the First Circuit, including the assignment
of the direct appeal of the above-captioned case. It is meant to
provide the detail necessary for review, testing and replication of
the results. For a much conciser summary of the key conclusions, *see*
the accompanying Declaration re First Circuit Case Assignments (Feb.
1, 2024), Exh. D.

2.   I am Martin Gottesfeld; my relevant education and experience
began when I wrote my first computer program at age five.

3.   I first sold my programs professionally at age 12.

4.   At 15, Intel hired me to help teach a continuing-education-
credit technology course for Andover, MA public-school teachers.

5.   Earlier that year Phillips Academy Andover and Phillips
Exeter Academy admitted me on scholarship.

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6.   I matriculated to Exeter, where I continued programming professionally in my spare time.

7.   That same year, 1999, I first installed and began using Linux.

8.   Exeter integrates combinatorics into its standard math curriculum beginning in precalculus, which I completed in an accelerated program for the best math students.

9.   In 11th grade I scored the highest-possible mark, a five, on the Advanced Placement (A.P.) Computer Science A/B exam, won Exeter's prize for Achievement in Computer Science Beyond the A.P. Level at an unprecedented young age, largely for my work on A.I. in game theory, and I was admitted to the Advanced Placement/Early Admissions ("AP/EA") summer program at Carnegie Mellon University.

10.   At 18 I took a full-time job as the senior systems integrations engineer at Amnet Voice & Data Systems in Stamford, Connecticut.

11.   From that time in February 2003 until January 2016 I computer programmed and designed and built computer networks professionally as my primary focus.

12.   I have supported at the tier-three level and above a wide variety of business applications, including databases and their downstream applications.

13.   I attained industry certifications from Cisco, Citrix, Sonicwall and Research in Motion (Blackberry).

14.   My expertise includes search and sorting algorithms, regular expressions, Structured Query Language (SQL) and data sanitization,

validation and migration; my clients included major hospitals and universities, government entities and publicly traded companies.

15.   *LexisNexis* ("Lexis") is essentially a database product, wrapped in a proprietary user interface, supporting a query syntax similar to regular-expression ("RegEx") matching.

16.   At the times relevant for the data and tables, *below*, I had a combined 40 months' experience using Lexis, particularly its federal-court folios.   This experience encompassed hundreds if not thousands of hours.

17.   In 2018 The Honorable U.S. District Judge Nathaniel M. Gorton found me a sufficiently capable litigant to order me, over my objection, to defend myself in a criminal case.

18.   Lexis is one of the most complete extant repositories of U.S. courts' decisions and precedents, both published and unpublished, for a wide variety of matters, *e.g.*, pre- and post-trial motions and appeals.

19.   Based on my deep familiarity with Lexis, it is a robust data source for the uses detailed herein, providing more than an adequate sample of the relevant data.

20.   The government seems to consider Lexis a constitutionally sufficient law library, because, in many instances, it is all that the government offers unrepresented federal prisoners.

21.   To calculate reasonably accurate probabilities for specific appellate judges' assignments to cases decided on specific dates, I produced, as follows, the table Attributed First Circuit Panel Decisions Per Year and By Selected Judges, Attachm. 1, using Lexis

version 3.4, Folio Views 4.7.0.8 and a version of the folio for the

U.S. Court of Appeals for the First Circuit containing decisions up

through 2021 U.S. App. LEXIS 24976 (Aug. 20, 2021).

22.   The *Circuit*-column data for full-year rows were

provisionally filled by running the advanced search *[Field: Judges]* to

exclude unattributed decisions, *e.g., DeBarros v. Frank*, 2021 U.S.

App. LEXIS 23529, No. 21-1090 (1st Cir. May 21, 2021), then manually

recording the number of hits for each folio branch (year).

23.   The judges'-columns data for full-year rows were

provisionally filled by running advanced searches for each judge,

e.g., [Field Judges:lynch], then manually recording the number of hits

for each folio branch (year).

24.   The partial-year data were provisionally filled by checking

one folio branch (year) at a time, then running an advanced search for

each column against only the checked branch, *e.g.,* I checked *1995*, hit

F3 (advanced search), entered *[Field Date:>1995-05-08][Field Judges:]*,

manually recorded the number of hits in the *Circuit* column for *Post-*

Lynch '95, then entered *[Field Date:>1995-05-08][Field Judges:lynch]*,

manually recorded the number of hits in the *Lynch* column under *Post-*

Lynch '95, etc.

25.   In the example, *above,* ¶ 24, I provisionally filled the *Pre-*

Lynch '95 data by manually recording the differences between the full-

year data and the *Post-Lynch '95* data.

26.   I verified the dates when new judges first appeared in

attributed decisions using *[Field Judges:…]* searches, scrolling to the

bottom, then looking for out-of-date-order results.

27.   I compiled a list of all First Circuit judges and senior judges from 1995 onward, ran a search for attributed decisions excluding them all, i.e. *[Field Judges:^(aldrich|barron|boudin|bownes| campbell|coffin|cyr|howard|kayatta|lipez|selya|stahl|thompson| torruella|lynch)]*, and noted the following anomalies:

a) in 2012 a special master published an attributed decision, 2012 U.S. App. LEXIS 26981;

b) in 2015 a case involving inordinate publicity was decided by an entire panel sitting by designation, *United States v. Casallas-Toro*, 807 F.3d 380; and

c) an apparent data-entry error left a decision attributed to "Judge1, Judge2, and Judge3," *Smith v. Colvin*, 2016 U.S. App. LEXIS 16933.

In adjustment, I deducted one from the *Circuit* column for each of the years 2012, 2015 and 2016.

28.   I reviewed the Lexis autocomplete options for *[Field Judges:* and found numerous misspellings of Torruella and a possible misspelling of Selya as "Sel̲va."

29.   Further review found Torruella misspelled in one decision in each of the years 2003, 2006 and 2007, as well as in years before those of interest.   In adjustment, I added one to the *Torruella* column for each year 2003, 2006 and 2007.

30.   Further review found zero cases in the years of interest attributed to Judge Sel̲va and that before those years a district judge surnamed Sel̲va had sat by designation.   Based on these findings I made no adjustments due to Judge Selya.

31.   To adjust for decisions *en banc*, I compiled lists each of four-plus "active" First Circuit judges for time periods spanning the years of interest then ran advanced searches for decisions attributed to every judge on each list:

   a) for '95-'00 *[Field Judges:(boudin selya stahl torruella)]*;

   b) for '01-'06 *[Field Judges:(boudin lipez lynch stahl torruella]*;

   c) for '07-'12 *[Field Judges:(boudin howard lipez lynch torruella]*;

   d) for '13-'19 *[Field Judges:(howard lipez lynch Thompson torruella]*; and

   e) for '20-'21 *[Field Judges:(barron howard kayatta lipez lynch thompson)]*.

32.   Thereby I noticed that, though Judge Lipez has never been labeled a senior judge, he is listed in under a quarter of the decisions *en banc* since 2013. Similarly, though Judge Selya stopped being listed as a senior judge in 2008, most decisions *en banc* issued since then do not list Judge Selya. I thus updated two of the above queries:

   d) for '13-'19 *[Field Judges:(howard lynch thompson torruella)]*; and

   e) for '20-'21 *[Field Judges:(barron howard kayatta lynch thompson)]*.

33.   For every hit in the above searches, ¶¶ 31-32, through 2006, I deducted one from every column in the corresponding year.

34.   For every hit in the above queries, ¶¶ 31-32, from 2007 through 2013, I deducted one from every column except *Selya* in the corresponding year.

35.   For every hit in the above queries, ¶¶ 31-32, from 2014 onward, I deducted one from every column except *Selya* and *Lipez* in the corresponding year.

36.   I then added Selya to the above searches, ¶¶ 31-32, for 2007 onward, *e.g.*, for 2007 through 2012, *[Field Judges:(boudin howard lipez lynch selya torruella)]*, and deducted the results accordingly from the *Selya* column.

37.   I then added Lipez to the above searches, ¶¶ 31-32, for 2014 onward, *e.g.*, for 2014 through 2019, *[Field Judges:(howard lipez lynch thompson torruella)]*, and deducted the results accordingly from the Lipez column.

38.   I further considered limiting results to decisions marked in Lexis as reported in the Federal Reporter or Federal Appendix, i.e. *[Field Cite:f.|f.2d|f2d|f.3d|f3d|f.4th|f4th|appx]*, but I found this would exclude decisions unreasonably, *e.g.*, *Mayhew v. Sebelius*, 2010 U.S. App. LEXIS 21083, No. 12-2059 (1st Cir. Sept. 13, 2012). I thus rejected the idea.

39.   Because one case may result in multiple decisions, I considered excluding second and subsequent decisions in a case. But I found that, frequently, at least one panel member changed between such decisions, as happened between *Mayhew, supra*, and its subsequent decision 772 F.3d 80. I thus rejected the idea; any effects from

residual repetitions should average out in this volume of decisions and be without meaningful impact on odds calculations.

40.   I then considered the data finalized for Attributed First Circuit Panel Decisions Per Year and By Selected Judges, Attachm. 1.

41.   I conclude beyond reasonable doubt that significant periods lapsed in which any "random" assignments of active circuit judges were, at best, weighted to produce different, pre-determined case loads for different judges. *See, e.g.,* the 2009 data, with a 50-decision difference between Howard (197) and Lynch (147) and a 73-decision difference between Howard and Selya (124). *See, also,* the 2017 data, with 34 decisions separating Torruella (190) from Lynch (156) and 117 separating Torruella from Lipez (73).

42.   Thus, to approximate the odds of a particular judge's assignments to a given case as 3:n, where n is the number of then-active judges, would produce unreliable results.

43.   Compounding matters, my analysis found years wherein over 150 decisions were made by panels including First Circuit senior judges, *e.g.,* 1998 saw 340 such decisions, more than half the year's total, and five decisions that year were made exclusively by First Circuit senior judges, without an active judge on those five panels.

44.   Also, in some years over 100 decisions were entered by panels including at least on judge from another court sitting by designation.[1] In 2008, *e.g.,* 248 decisions, the majority, were entered by such panels and 146 were entered by panels with one or more First Circuit senior judges.

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[1] *See* 28 U.S.C. §§ 291 *et seq.* (circuit judges and designations).

45.   Thus, more accurate odds of assignment than 3:n are
approximated from Attributed First Circuit Panel Decisions Per Year
and By Selected Judges, Attachm. 1. *E.g.*, in 2000, Judge Lynch's
approximate odds of assignment were 1:3 (160:480) and Judge
Torruella's were 5:12 (200:480).

46.   I produced the table First Circuit "HHS" & Similar Decisions
 Per Year and By Judges Lynch & Torruella, Attachm. 2, as follows,
using the same Lexis system.

47.   I chose Judge Torruella as Judge Lynch's closest analog for
assignment probabilities due to their largely overlapping times on the
court and because Torruella's data diverges the least from Lynch's in
Attributed First Circuit Panel Decisions Per Year and By Selected
Judges, Attachm. 1.

48.   The full-year *Circuit*-column's data for First Circuit "HHS"
& Similar Decisions Per Year and By Judges Lynch & Torruella, Attachm.
 2, were provisionally filled by running the advanced search *[Field
CaseName:"health human services"/4|hhs|sebelius|"marylou sudders"/3|
polanowicz|"catherine hutchinson"/3|"william o'leary"/3|"christine
ferguson"/3][Field Date:>1995-05-08][Field Judges:]* then manually
recording the number of hits for each folio branch (year).

49.   I had already determined that, in the years of interest,
then-current and former U.S. H.H.S. secretaries Xavier Bacerra, Alex
Azar, Syliva Burwell, Tommy Thompson, Michael Leavitt and Louis
Sullivan always appear titled in the First Circuit folio's *CaseName*
field so as to match "*health human services"/4|hhs* in the above
search, ¶ 48, but that Kathleen Sebelius sometimes appears titleless.

50.   I had already also determined that the Massachusetts state H.H.S. officials named in the above search, ¶ 48, sometimes appear titleless, *e.g.*, Marylou Sudders. I gleaned these names from memory and a thorough review of the district court folio and omitted none that I found therein.

51.   The full-year judges'-columns data data in First Circuit "HHS" & Similar Decisions Per Year and By Judges Lynch & Torruella, Attachm. 2, were provisionally filled by specifying *[Field Judges:lynch]* then *[Field Judges:torruella]* in the above search, ¶ 48, and manually recording the number of hits for each folio branch (year) in the corresponding columns. I pre-established that Torruella was not misspelled in any H.H.S. cases.

52.   The partial-years data were provisionally filled in First Circuit "HHS" & Similar Decisions Per Year and By Judges Lynch & Torruella, Attachm. 2, in like manner as above, ¶¶ 24-25.

53.   I established that no adjustment was necessary for relevant decisions *en banc* because there were no such decisions in the years of interest.

54.   I then considered the data finalized for First Circuit "HHS" & Similar Decisions Per Year and By Judges Lynch & Torruella, Attachm. 2.

55.   For each decision in First Circuit "HHS" & Similar Decisions Per Year and By Judges Lynch & Torruella, Attachm. 2, I have recorded the decision's date, case name and number or numbers, panel composition, citation and author, if attributed, in First Circuit "HHS" & Similar Decisions Postdating May 8, 1995, Attachm. 3.

56.   I produced the table First Circuit "Massachusetts"—"HHS" & Similar Decisions Postdating May 8, 1995, Attachm. 4, using the same Lexis system by manually recording the results of an advanced search designed to find decisions relevant to Massachusetts H.H.S., as distinguished from federal H.H.S. and other states' H.H.S. departments: *[Field CaseName:(("health human services"/4|hhs| sebelius)&(massachusetts|baker|patrick|romney|weld))|"marylou sudders"/3|polanowicz|"catherine huthinson"/3|"william o'leary"/3|"christine ferguson"/3][Field Date:>1995-05-08][Field Judges:]. See,* above, ¶¶ 49–50 (discussing why some names appear and others do not in my H.H.S. advanced-search queries).

57.   I produced the table Reviewed First Circuit "DCF"-type Decisions Postdating May 8, 1995, Attachm. 5, using the same Lexis system by reviewing in their entirety the results of advanced searches including

a) *dcf|dss|cps;*

b) *"children families"/3;*

c) *"children youth families"/4;*

d) *"department social services"/5|"dept. social services"/5|"social services dept."/5|"social servs."|"soc. servs."|"soc. srvcs.";*

e) *"children families"/4;*

f) *"child prot*";*

g) *"department of the family"|"dept. of the family"|"departamento de la famil*"|"family department"|"family dept.";* and

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 h) *deveney|"linda spears"/3|"olga roache"/3|"garrett*

  mcmanus"/3|"angelo mcclain"/3"|"lewis spence"/4|"angelo

  mclain"/3.

58. I manually reviewed each resultant decision's subject matter and excluded decisions that—

 a) matched only due to the name of another authority cited

  therein, *e.g.*, *Currie v. Group Ins. Comm'n*, 290 F.3d 26,

  citing *DeShaney v. Winnebego County DSS*, 489 U.S. 189 (1989);

 b) matched only due to other meanings for search terms, *e.g.*,

  Green v. Ablon, 794 F.3d 133, 139 (CPS stands for

  "Collaborative Problem Solving");

 c) matched only by referencing out-of-circuit agencies, *e.g.*,

  Mandel v. Boston Phoenix, Inc., 456 F.3d 198, 202 (mentioning

  Baltimore County, MD, DSS in defamation suit);

 d) were dismissed unattributed to any judge, *e.g.*, *Amadhi v.*

  Dep't of Children & Families, 2019 U.S. App. LEXIS 23641 (1st

  Cir. Apr. 1, 2019) (dismissed for failure to pay filing fee or

  submit application to proceed without fees);

 e) were summarily disposed-of by entry of judgment without

  publication of an opinion or order, *e.g.*, *Amadhi v. McManus*,

  2017 U.S. App. LEXIS 27467, No. 16-1960 (1st Cir. Oct. 16,

  2017) (summary disposition denying injunction);

 f) matched only by distinguishing themselves from potentially

  relevant decisions, *e.g.*, *Roldan-Plumey v. Cerezo-Suarez*, 115

  F.3d 58, 66 (1st Cir. 1997) (discussing holding in social-

services case *Gonzalez-Gonzalez v. Zayas*, 878 F.2d 1478 (1st

Cir. 1989) (*en banc*));

g) matched only outside the social-services context, *e.g.*, *Estate*

of Abraham v. Comm'r, 408 F.3d 26 (1st Cir. 2005) (estate-tax

case mentioning "children" and "families"); or

h) matched unintended persons, *e.g.*, *Vasquez-Castro v. Office of*

Gen. Counsel, 2018 U.S. App. LEXIS 37454, No. 17-1983 (1st

Cir. June 15, 2018) (matches P. Deveney, an F.C.I. Berlin case

manager, not Erin Deveney, former interim Massachusetts DCF

commissioner).

59.   I produced the table Filtered First Circuit "DCF"-type

Decisions, Attachm. 6, by selecting from the results of the above

searches, ¶¶ 57-58, every civil (non-habeas, non-immigration-review)

decision with minors or their custodians as parties or likely

financial beneficiaries and involving child-abuse or -custody

proceedings.

60.   I produced the table Filtered First Circuit "DCF"-type

Decisions in Mass. Cases, Attachm. 7, by selecting from the above

searches, ¶¶ 57-58, every civil (non-habeas, non-immigration-review)

decision in a Massachusetts case with minors or their custodians as

parties or likely financial beneficiaries and involving child-abuse or

-custody proceedings.

61.   I produced the table Reviewed First Circuit "DCF"-type

Decisions in Mass. Crim. and Hab. Cases Postdating Aug. 1, 2011,

Attachm. 8, by selecting from the above searches, ¶¶ 57-58, every

criminal or habeas decision in a Mass. case postdating Aug. 1, 2011.

62.   I produced the table Reviewed First Circuit "DCF"-type Decisions in Mass. Cases Per Year and By Judges Lynch & Torruella, Attachm. 9, by tallying from the above searches, ¶¶ 57-58, every decision in a Massachusetts case postdating May 8, 1995, by year and partial year, as appropriate, and counting the appearances therein by Judge Lynch and Judge Torruella.

63.   I produced the table First Circuit "Massachusetts" "Developmental Services"-type Decisions Postdating May 8, 1995, Attachm. 10, as follows.

64.   I manually recorded the results of the Lexis advanced search *[Field Date:>1995-05-08][Field CaseName:massachusetts&("mental retardation"|"developmental services"|"mental health")][Field Judges:]*.   For information on the Mass. Department of Developmental Services and its predecessor agency the Mass. state Department of Mental Retardation, *see, e.g., Conille v. Council 93, AFSCME*, 935 F.3d 1, 3 n. 3 (1st Cir. 2019).

65.   I then combed the district and circuit folios for the names of current and former heads of the Dept. of Developmental Services and its predecessor agency.

66.   Using the names found, I augmented the above search, ¶ 64. *E.g.*, by adding "*Elin Howe*"/3, I found *Voss. V. Rolland*, 592 F.3d 242 (1st Cir. 2010).

67.   I recorded in First Circuit "Massachusetts" "Developmental Services"-type Decisions Postdating May 8, 1995, Attachm. 10, every decision naming the Mass. Dept. of Developmental Services, its

predecessors or their then-staffers as parties, omitting none that I found.

68.   I produced the table Reviewed First Circuit "Harvard College"-type Decisions Postdating May 8, 1995, Attachm. 11, as follows.

69.   I manually recorded every result of the advanced search *[Field Date:>1995-05-08][Field CaseName:"harvard university"|"harvard medical"|"harvard college"|"harvard cancer center"][Field Judges:]*.

70.   I recorded data from every result and summarized every decision from the above search, ¶ 69, except *Rafi v. Brigham & Women's Hosp.*, 2018 U.S. App. LEXIS 37335, No. 17-1373 (Feb. 16, 2018), because it is a judgment without a published order or opinion. *See,* above, ¶ 58 (exclusion criteria).

71.   I then produced the table Filtered First Circuit "Harvard College"-type Decisions Postdating May 8, 1995, Attachm. 12, by filtering out the manifestly futile cases, i.e.

1)   *Doe v. Harvard*, 95-1152 (dismissed as frivolous);

2)   *Afrasiabi v. Harvard Univ.*, 99-1295 (plaintiff had been arrested by Harvard Police after poorly conceived extortion attempt);

3)   *Rubin v. Islamic Republic of Iran*, 11-2144 (attempt, after securing default judgment against foreign nation, to attach antiquities in third-party museum's or museums' care, custody and control, in which the foreign nation had never claimed an ownership interest); and

4)   *Walker v. Presidents & Fellows of Harvard College*, 15-1154 (seeking expungement of plagiarism finding despite school's unambiguous policy on plagiarism specifying exactly such a sanction).

72.   To plumb these data further, I created CSV.zip, Attachm. 13 and CSV.zip.sha256, Attachm. 14 as follows.

73.   I wrote a multi-process, multi-threaded computer program in the C language to simulate random case assignments. This program is contained in the files inside CSV.zip, Attachm. 13, whose names end in ".c" and ".h".

74.   I seeded the program with the observed First Circuit panel assignments from Attributed First Circuit Panel Decisions Per Year and By Selected Judges, Attachm. 1. *See* circuit_data.h at lines 18, (defining circuit_judges and filling it with judges' appearance data), 114 (defining circuit_data and filling it with total years and per-judge data), CSV.zip, Attachm. 13.

75.   I further seeded the program with the observed First Circuit panel data from the other attachments. *See id.* at lines 150–633 (defining and filling mass_hhs_case_dates, mass_dcf_case_dates, mass_dds_case_dates, mass_hhs_dcf_dds_case_dates, harvard_case_dates, harvard_and_mass_hhs_dcf_dds_case_dates, hhs_case_dates, dcf_case_dates and hhs_and_dcf_case_dates).

76.   I set the program to run a billion simulations of the assignments in each set of cases. *See* calc.h at line 20 (defining NUM_ITERATIONS as "1000000000" or 1,000,000,000).

77.   I set the program to output the results of each set of simulations into a distinct comma-separated values (C.S.V.) computer

file. *See* calc.c at lines 522-600 (program set to run each case set

individually and output them, *ad seriatim,* to mass_hhs.csv,

mass_dcf.csv, mass_dds.csv, mass_hhs_dcf_dds.csv, harvard.csv,

harvard_and_mass_hhs_dcf_dds.csv, hhs.csv, dcf.csv and

hhs_and_dcf.csv), CSV.zip, Attachm. 13.

78.   C.S.V. files are commonly used to store data in a compatible

format that is easily imported into end-user applications, *e.g.,*

Microsoft Excel, and various SQL servers.

79.   To automate, *inter alia*, authentication and compilation of

the code, execution of the program and authentication and preservation

of the results, I wrote a "makefile." *See* Makefile, CSV.zip, Attachm.

 13.

80.   Makefiles are a common and well-accepted programming

technique used by some of the most popular softwares, *e.g.,* the Linux

kernels inside every Android device and all 500 of the world's fastest

supercomputers.

81.   My Makefile uses the sha256sum command to create a Secure

Hashing Algorithm (SHA) 256-bit checksum for every relevant file.

See, e.g., id. at line 5 (creating clock_properties.h.sha256 by

running sha256sum on clock_properties.h).

82.   A checksum is a relatively short number, usually expressed

in hexadecimal, produced by an algorithm that, *e.g.,* reads every bit

of a computer file such that changing a single bit in even a very

large file would be expected to result in a different checksum. For

any 256-bit hashing algorithm, there are more than 10^{77} possible

resultant checksums. The possibility that two files would have the

same checksum is thus miniscule and, if it occurred, would be called a collision.

83.   Checksumming is the dominant method for verifying the authenticity of files stored on media and transferred over networks. Various Internet protocols, for example, use checksums to detect transmission errors, including the Transmission Control Protocol (T.C.P.) that undergirds the World-wide Web. The F.B.I. uses checksums in its data forensics, to authenticate files and ensure they have not been changed.

84.   The National Security Agency (N.S.A.) designed the 256-bit version of the SHA algorithm and it was first published by the National Institute of Standards and Tecnology (NIST). It is part of Federal Information Processing Standard 180-2. Like all checksum algorithms, SHA was evaluated to ensure low odds of collisions. SHA is the dominant algorithm for applications such as those herein described.

85.   The Court may reasonably be assured that files matching the 256-bit SHA checksums, *infra*, are authentic.

86.   I set the Makefile to record the relevant hardware and software states of the machine on which the program runs. *See, e.g.,* Makefile at lines 140-61, CSV.zip, Attachm. 13.

87.   I set the Makefile to use the cppcheck utility to look for programming errors that could cause inaccurate results. *See id.* at line 215.

88.   cppcheck is a widely used programming tool to look for such errors.

89.   When run on my program, cppcheck reported no errors. *See* cppcheck.log, CSV.zip, Attachm. 13.

90.   I further set the Makefile to run the program through Valgrind, a widely used memory debugger. *See* Makefile, *supra*, at line 162.

91.   Memory debuggers are used to detect programming mistakes that, in a program such as this one, could lead to inaccurate results.

92.   When the program was run through Valgrind no errors were detected. *See* log.txt at line 1671, CSV.zip, Attachm. 13.

93.   I set the program to use haveged as its entropy source, i.e. for generating the random numbers used in the simulations of case assignments. *See* calc.h at line 32, CSV.zip, Attachm. 13.

94.   haveged is a widely used, cryptographically verified, entropy source. It has been audited by, *inter alia*, the French National Institute for Research in Computer Science and Control. *See* Seznec, Sendrier, *HAVEGE: A user-level software heuristic for generating empirically strong random numbers* (2003), *available at* https://www.researchgate.net/publication/220136317_HAVEGE_A_user-level_software_heuristic_for_generating_empirically_strong_random_numbers (last accessed Feb. 1, 2024).

95.   I set the program to record haveged's standard error stream, which haveged would use to report any errors. *See* user_random.c at line 59, CSV.zip, Attachm. 13.

96.   haveged did not report any errors, but did report that it sent over 2.5 terabytes through its entropy stream to my program. *See* haveged.stderr.txt, CSV.zip, Attachm. 13.

97.   I further set the program to duplicate the entropy stream used to simulate the judges' assignments and send the duplicate through FIPS 140-2 randomness testing using the rngtest utility. *See id.* at line 23.

98.   FIPS 140-2 tests are used to verify the randomness of an entropy stream for cryptographic purposes.

99.   The FIPS 140-2 randomness testing indicated that the haveged entropy stream was sufficiently random. *See* rngtest0.stderr.txt and rngtest1.stderr.txt, CSV.zip, Attachm. 13. (A valid entropy stream will have a small percentage of FIPS 140-2 "failures." For purposes such as this one, filtering out those failures would lead to less-random results.)

100. I further set my program to sample 100 million individual bits from the entropy stream and represent them as coin flips. *See* user_random.c at lines 161–87, CSV.zip, Attachm. 13.

101. My program reported: "After 100,000,000 coin flips, the results are 49,997,047 heads and 50,002,953 tails (user_random.c:185 test_user_random())." *See* log.txt at line 1721, CSV.zip, Attachm. 13. This is within 0.003 percent of even, and well within expectations.

102. I further set my program to record 256 million 8-bit samples from the entropy stream. *See* user_random.c at lines 197–223; frequencies_zero-to-255.csv, CSV.zip, Attachm. 13.

103. Using that output I created the chart Eight-bit Entropy Frequency Distribution, Attachm. 15. The frequency distribution indicates a proper entropy stream. The mean value received was 127.5029062, within 0.0030 of the median expectation.

104. I further set my program to record 276 million modulo-unbiased 9-bit samples between 0 and 275. *See* user_random.c at lines 234-61, CSV.zip, Attachm. 13.

105. Using that output I created the chart Zero-275 Entropy Frequency Distribution, Attachm. 16. The frequency distribution indicates a proper entropy stream. The mean value received was 137.4976838, within 0.0024 of the median expectation.

106. I further set my program to run 100 million simulations of each of three test datasets that are easily contrasted to expectations, and record the results of each test set to a distinct C.S.V. file. *See* calc.c at lines 494-519; log.txt at lines 1736-61, CSV.zip, Attachm. 13.

107. Each test dataset had fives judges: Lynch, Torruella, Selya, Lipez and Howard.

108. For each test dataset I composed a "Control" curve, representing the expected frequency distribution.

109. The first test dataset had four cases and each judge's odds of assignment to each case were 1:2 or fifty percent. *See* circuit_data.h at lines 36-50, CSV.zip, Attachm. 13.

110. The control curve for the first dataset is $f(n) = (100000000)(1/2)^n(1/2)^{4-n}(4!/n!/((4-n)!))$.

111. Using the output from the first test dataset I created the chart First Test Dataset Frequency Distribution, Attachm. 17. The frequencies of assignments from the simulations align with the control curve to such an extent that the chart's lines are all on top of each other at any scale presentable on 8½x11-inch paper.

112. The second test dataset had eight cases and each judge's odds of assignment to each case were 1:8 or 12.5 percent. *See* circuit_data.h at lines 52–74, CSV.zip, Attachm. 13.

113. The control curve for the second test dataset is $f(n) = (100000000)(1/8)^n(7/8)^{8-n}(8!/n!/((8-n)!))$.

114. Using the output from the second test dataset I created the chart Second Test Dataset Frequency Distribution, Attachm. 18. Again, the frequencies of assignments from the simulations align with the control curve to such an extent that the chart's lines are all on top of each other at any scale presentable on 8½x11-inch paper.

115. The third test dataset had 20 cases and each judge's odds of assignment to each case were 15:20, or 3:4, or 75 percent. *See* circuit_data.h at lines 76–112, CSV.zip, Attachm. 13.

116. The control curve for the third test dataset is $f(n) = (100000000)(3/4)^n(1/4)^{20-n}(20!/n!/((20-n)!))$.

117. Using that output I created the chart Third Test Dataset Frequency Distribution, Attachm. 19. Again, the frequencies of assignments from the simulations align with the control curve to such an extent that the chart's lines are all on top of each other at any scale presentable on 8½x11-inch paper.

118. Based on the results, *supra*, of cppcheck, Valgrind, rngtest, the frequency-distribution tests and test dataset simulations, I conclude the program is a reliable simulator of case assignments and produces accurate results.

119. For the non-test datasets, the program calculated each judge's assignment odds by cross-referencing the decision date with

the data from Attributed First Circuit Panel Decisions Per Year and By

 Selected Judges, Attachm. 1. For example, the program calculated

that Judge Lynch's odds of assignment to any case in 2000 were

160:480, or 1:3, because Judge Lynch was listed on 160 of the court's

480 relevant decisions in that year.

120. The first set of simulations corresponded to the 10 cases

found in First Circuit "Massachusetts"—"HHS" & Similar Decisions

Postdating May 8, 1995, Attachm. 4. Using that output I created the

chart First Circuit "Massachusetts"-"HHS" & Similar Case Assignments

Expected Freq. Distr., Attachm. 20.

121. The second set of simulations corresponded to the nine cases

found in Filtered First Circuit "DCF"-type Decisions in Mass. Cases,

Attachm. 7. Using that output I created the chart First Circuit

Massachusetts "DCF"-type Case Assignments Expected Freq. Distr.,

Attachm. 21.

122. The third set of simulations corresponded to the five cases

from First Circuit "Massachusetts" "Developmental Services"-type

Decisions Postdating May 8, 1995, Attachm. 10 from this millennium.

Using that output I created the chart First Circuit "Massachusetts"

"Developmental Services"-type Case Assignments Expected Freq. Distr.,

Attachm. 22.

123. The fourth set of simulations corresponded to the 23 cases

from the three sets directly above. Using that output I created the

chart First Circuit "Massachusetts" "DCF" and "Developmental

Services"-type Case Assignments Expected Freq. Distr., Attachm. 23.

124. The fifth set of simulations corresponded to the nine cases from Filtered First Circuit "Harvard College"-type Decisions Postdating May 8, 1995, Attachm. 12. Using that output I created the chart First Circuit "Harvard"-type Case Assignments Expected Freq. Distr., Attachm. 24.

125. The sixth set of simulations corresponded to the 32 cases from the first five datasets, above. (Some cases appeared in multiple datasets.) Using that output I created the chart First Circuit "Harvard" and "Massachusetts" "HHS" "DCF" & DDS-type Case Assignments Expected Freq. Distr., Attachm. 25.

126. The seventh set of simulations corresponded to the 91 cases in First Circuit "HHS" & Similar Decisions Per Year and By Judges Lynch & Torruella, Attachm. 2. Using that output I created the chart First Circuit "HHS"-type Case Assignments Expected Freq. Distr., Attachm. 26.

127. The eighth set of simulations corresponded to the 91 cases in Reviewed First Circuit "DCF"-type Decisions Postdating May 8, 1995, Attachm. 5. Using that output I created the chart First Circuit "DCF"-type Case Assignments Expected Freq. Distr., Attachm. 27.

128. The final set of simulations corresponded to the 170 cases from the above two sets. (Some cases appeared in both sets.) Using that output I created the chart First Circuit "HHS" and "DCF"-type Case Assignments Expected Freq. Distr., Attachm. 28.

Electronic Signature

I declare the foregoing is true and correct under the penalty of perjury under the laws of the United States of America. 28 U.S.C. §§ 1746, 2242. Executed Thursday, February 1, 2023,

by: */s/* Martin Gottesfeld, *pro se*,
     28 Albion St., Apt. 1,
     Somerville, MA 02143,
     (617) 702-6156,
     mgottesfeld@gmail.com.

For holographic execution, *see*, Accompanying Verification.

Attributed First Circuit Panel Decisions Per Year and By Selected Judges, Attachm. 1

Year	Circuit	Lynch	Torruella	Selya	Lipez	Howard
Pre-Lynch 1995[A]	243	N/A[A]	138	190	N/A[B]	N/A[C]
Post-Lynch 1995[A]	437	133[A]	169	192	N/A[B]	N/A[C]
All 1995[A]	680	133[A]	307	382	N/A[B]	N/A[C]
1996	655	237	237	266	N/A[B]	N/A[C]
1997	582	252	209	264	N/A[B]	N/A[C]
Pre-Lipez 1998[B]	388	147	160	154	N/A[B]	N/A[C]
Post-Lipez 1998[B]	192	63	82	90	40[B]	N/A[C]
All 1998[B]	580	210	242	244	40[B]	N/A[C]
1999	518	183	153	198	169	N/A[C]
2000	480	160	200	207	187	N/A[C]
2001	517	206	213	199	204	N/A[C]
Pre-Howard 2002[C]	220	92	85	85	102	N/A[C]
Post-Howard 2002[C]	239	84	105	82	104	40[C]
All 2002[C]	459	176	190	167	206	40[C]
2003	479	182	152	144	195	185
2004	544	230	229	189	199	183
2005	578	243	212	204	210	227
2006	544	208	235	185	212	225
2007[D]	467	208	206	139[D]	196	159
2008[D]	477	214	187	149[D]	181	199
2009	446	147	190	124	185	197
Pre-Thompson 2010[E]	132	65	49	103	53	50
Post-Thompson 2010[E]	228	90	67	0	94	114
All 2010[E]	360	155	116	103	147	164
2011	381	146	147	103	137	154
2012	368	164	117	102	146	117
Pre-Kayatta 2013[F]	133	62	46	39	46	60
Post-Kayatta 2013[F]	228	106	102	56	76	106
All 2013[F]	361	168	148	95	122	166
Pre-Barron 2014[G]	141	97	87	67	56	75
Post-Barron 2014[G]	222	53	38	47	36	45
All 2014[G]	363	150	125	114	92	120
2015	397	157	138	113	83	151
2016	399	162	137	112	84	108
2017	433	156	190	100	73	149
2018	351	146	134	83	53	118
2019	413	191	163	78	60	116
2020[H]	398	164	134[H]	78	68	146
Partial 2021[H]	248	107	0[H]	60	44	91

[A] Lynch first appears in Lexis May 9, 1995; *see* 1995 U.S. App. LEXIS 10255.

[B] Lipez first appears in Lexis Aug. 10, 1998, *see* 151 F.3d 29.

[C] Howard first appears in Lexis June 17, 2002; *see* 306 F.3d 1151.

[D] Selya is labeled a senior judge in Lexis from Jan. 19, 2007–July 28, 2008.

[E] Thompson first appears in Lexis May 14, 2010; *see* 2010 U.S. App. LEXIS 27462.

[F] Kayatta first appears in Lexis May 8, 2013; *see* 2013 U.S. App. LEXIS 26065.

[G] Barron first appears in Lexis July 29, 2014; *see* 760 F.3d 126.

[H] The Honorable Juan Torruella died in office on Oct. 26, 2020.

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First Circuit "HHS" & Similar Decisions Per Year and By Judges Lynch & Torruella, Attachm. 2

Year	Circuit	Lynch	Torruella
Post-Lynch 1995[A]	12	6	5
1996	7	2	6
1997	7	4	5
Pre-Lipez 1998[B]	4	3	2
Post-Lipez 1998[B]	1	0	1
All 1998[B]	5	3	3
1999	1	0	1
2000	3	2	0
2001	3	2	2
Pre-Howard 2002[C]	1	1	0
Post-Howard 2002[C]	2	2	0
All 2002[C]	3	3	0
2003	2	0	0
2004	2	2	0
2005	0	0	0
2006	3	2	1
2007	1	1	0
2008	3	2	1
2009	4	2	2
Pre-Thompson 2010[D]	0	0	0
Post-Thompson 2010[D]	3	2	1
All 2010[D]	3	2	1
2011	2	2	0
2012	5	2	3
Pre-Kayatta 2013[E]	1	1	1
Post-Kayatta 2013[E]	0	0	0
All 2013[E]	1	1	1
Pre-Barron 2014[F]	1	0	0
Post-Barron 2014[F]	2	2	0
All 2014[F]	3	2	0
2015	4	1	2
2016	2	1	0
2017	1	1	0
2018	2	0	1
2019	6	4	3
2020[G]	4	3	0
Partial 2021[G]	2	0	0
Totals—	**91**	**50**	**37[G]**

[A] Lynch first appears in Lexis May 9, 1995; *see* 1995 U.S. App. LEXIS 10255.
[B] Lipez first appears in Lexis Aug. 10, 1998, *see* 151 F.3d 29.
[C] Howard first appears in Lexis June 17, 2002; *see* 306 F.3d 1151.
[D] Thompson first appears in Lexis May 14, 2010; *see* 2010 U.S. App. LEXIS 27462.
[E] Kayatta first appears in Lexis May 8, 2013; *see* 2013 U.S. App. LEXIS 26065.
[F] Barron first appears in Lexis July 29, 2014; *see* 760 F.3d 126.
[G] The Honorable Juan Torruella died in office on Oct. 26, 2020.

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First Circuit "HHS" & Similar Decisions Postdating May 8, 1995, Attachm. 3

Date	Case Name & No(s).	Panel,[1] *Written By;*[2] Citation[3]
Aug. 18, 2021	*Asociación Hosp. Del Maestro, Inc. v. Becerra,* 19-1475	Howard, Barron, *JBD*; LEX24680
Apr. 22, 2021	*In re Kupperstein,* 20-1472	Howard, Lipez, *Thompson*; 994 F.3d 673
Dec. 4, 2020	*Healthpromed. Found., Inc. v. HHS,* 17-1736, -1812	*Lynch,* Lipez, Barron; 982 F.3d 15
Dec. 4, 2020	*Corp. De Servicios Integrales De Salud Integral En La Montaña v. Puerto Rico,* 19-1336	*Lynch,* Lipez, Barron; 981 F.3d 147
Sept. 30, 2020	*Alcabia Therapeutics, Inc. v. Azar,* 20-1101	Howard, *Selya,* Thompson; 976 F.3d 86
May 4, 2020	*Rosie D. v. Baker,* 19-1262, -1767	Howard, *Lynch,* Lipez; 958 F.3d 51
Nov. 19, 2019	*In re Kupperstein,* 18-2248, -2249	Torruella, *Thompson,* Barron; 943 F.3d 12
Oct. 17, 2019	*Phillips v. Sununu,* 18-2004	Torruella, Lynch, Kayatta; LEX39410
June 22, 2019	*Maine Pooled Disability Trust v. Hamilton,* 18-1223	Thompson, *Kayatta,* Barron; 927 F.3d 52
May 2, 2019	*Massachusetts v. United States HHS,* 18-1514	*Torruella,* Lynch, Thompson; 923 F.3d 209
Mar. 21, 2019	*Municipality of San Juan v. Puerto Rico,* 18-1783	Lynch, Thompson, *Barron*; 919 F.3d 565
Jan. 15, 2019	*Phillips v. Sununu,* 18-2005	Lynch, Kayatta, Barron; LEX11931
May 21, 2018	*Morales-Melecio v. United States (HHS),* 16-2064	*Torruella,* Lipez, Kayatta; 890 F.3d 361
Apr. 4, 2018	*N.H. Hosp. Ass'n v. Azar,* 17-1615	*Kayatta,* Selya, Lipez; 887 F.3d 62
Dec. 5, 2017	*Tompson v. N.H. HHS,* 16-2010	Lynch, Kayatta, Barron; LEX27545
Nov. 29, 2016	*Parkview Adventist Med. Ctr. V. United States,* 16-1731	*Lynch,* Stahl, Barron; 842 F.3d 757
Oct. 27, 2016	*Me. Med. Ctr. V. Burwell,* 15-2408, -2483	Howard, *Selya,* Kayatta; 841 F.3d 10
Dec. 22, 2015	*Municipio Autónomo de Ponce v. United States (OMB),* 14-2287	*Kayatta,* Stahl, Barron; 809 F.3d 28
Dec. 7, 2015	*Casey v. HHS,* 15-115	Howard, Selya, *Stahl*; 807 F.3d 395
Feb. 4, 2015	*N.H. Right to Life v. United States HHS,* 14-1011	Torruella, Howard, *Kayatta*; 778 F.3d 43
Jan. 5, 2015	*Me. Med. Ctr. v. Burwell,* 14-1557	*Lynch,* Torruella, Kayatta; 775 F.3d 470
Dec. 15, 2014	*Connor B. v. Patrick,* 13-2467	*Lynch,* Selya, Kayatta; 774 F.3d 45
Nov. 17, 2014	*Mayhew v. Burwell,* 14-1300	*Lynch,* Selya, Barron; 772 F.3d 80
Apr. 28, 2014	*Bruns v. Mayhew,* 13-1456	*Howard,* Stahl, Thompson; 750 F.3d 61
Jan. 15, 2013	*ACLU of Mass. v. United States Conf. of Catholic Bishops,* 12-1466, -1658	*Lynch,* Torruella, JBD; 705 F.3d 44
Sept. 13, 2012	*Mayhew v. Sebelius,* 12-2059	Lynch, Howard, Thompson; LEX21083
Aug. 20, 2012	*Consejo De Salud De La Communidad De La Playa De*	*Torruella,* Selya, Lipez; 695 F.3d 83

[1] JBD signifies a judge from another court sitting by designation. *See* 28 U.S.C. §§ 291 *et seq.* (circuit judges and designations to other courts).

[2] Where writing was attributed to a single judge, that judge is emphasized; otherwise, the writing was *per curiam* or unattributed.

[3] Shorthand is used, *e.g.*, an Oct. 17, 2019, decision cited as LEX39410 is 2019 U.S. App. LEXIS 39410.

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Date	Case Name & No(s).	Panel, *Written By*; Citation
	Ponce, Inc. v. Gonzalez-Feliciano, 11-1121, -1126, -1733	
July 11, 2012	*Mead v. Independence Ass'n*, 12-1790	*Lipez*, Selya, Howard; 684 F.3d 226
May 31, 2012	*Massachusetts v. United States HHS*, 10-2204, -2207, -2214	Lynch, Torruella, *Boudin*; 682 F.3d 1
Jan. 13, 2012	*Hawkins v. HHS*, 10-1761	Torruella, Selya, *Lipez*; 665 F.3d 25
Mar. 11, 2011	*Massachusetts v. Sebelius*, 09-2392	*Lynch*, Boudin, Howard; 638 F.3d 24
Feb. 17, 2011	*Hutchinson v. Patrick*, 10-1268	Lynch, *Selya*, Howard; 636 F.3d 1
Oct. 27, 2010	*Concilio de Salud Integral de Loíza, Inc. v. Perez-Perdomo*, 09-2067	Lynch, *Boudin*, Howard; 625 F.3d 15
July 15, 2010	*Booker v. Mass. Dep't of Public Health*, 09-1082	Lynch, *Lipez*, Howard; 612 F.3d 34
June 18, 2010	*Sam M. v. Carcieri*, 09-1759	*Torruella*, JBD, Stahl; 608 F.3d 77
Dec. 7, 2009	*Administracion Para El Sustento De Menores of the Dep't of the Family of P.R. v. HHS of the United States*, 08-2169	*Torruella*, Boudin, JBD; 588 F.3d 740
Nov. 4, 2009	*Miller v. Nichols*, 09-1174	*Lynch*, Torruella, Boudin; 586 F.3d 53
Aug. 5, 2009	*Franklin Mem. Hosp. v. Harvey*, 08-2550	*Lynch*, JBD, Lipez; 575 F.3d 121
Jan. 14, 2009	*Doe v. Leavitt*, 08-1431	Boudin, *Selya*, Stahl; 552 F.3d 75
Dec. 15, 2008	*Concilo De Salud Integral De Loíza, Inc. v. Perez-Perdomo*, 07-2012, -2070, -2326, -2327	*Lynch*, Selya, Boudin; 551 F.3d 10
Nov. 17, 2008	*R.I. Hosp. v. Leavitt*, 07-2673	Torruella, *JBD*, Howard; 548 F.3d 29
Mar. 26, 2008	*Puerto Rican Ass'n of Physical Med. & Rehab., Inc. v. United States*, 07-2467	*Boudin*, Lynch, JBD; 521 F.3d 46
May 18, 2007	*Dr. Jose S. Belavel, Inc. v. Perez-Perdomo*, 07-1240	*Lynch*, Lipez, Howard; 488 F.3d 11
Nov. 16, 2006	*Buchanan v. Maine*, 06-1466	*Lynch*, JBD, Lipez; 469 F.3d 158
Oct. 2, 2006	*Dr. Jose S. Belavel, Inc. v. Perez-Perdomo*, 05-2854	*Lynch*, JBD, Lipez; 465 F.3d 33
May 8, 2006	*Visiting Nurse Ass'n Gregoria Auffant, Inc. v. Thompson*, 04-2721	Torruella, *Lipez*, JBD; 447 F.3d 68
June 29, 2004	*Largess v. Supreme Judicial Court*, 04-1621	Boudin, Lynch, Howard; 373 F.3d 119
Mar. 17, 2004	*Long Term Care Pharmacy Alliance v. Ferguson*, 03-1895	*Boudin*, Lynch, Lipez; 362 F.3d 50
June 9, 2003	*Mimiya Hosp. Inc. SNF v. United States HHS*, 02-1952	Selya, Coffin, *Lipez*; 331 F.3d 178
Jan. 28, 2003	*Rolland v. Romney*, 02-1697	Selya, *Coffin*, Bownes; 318 F.3d 42
Oct. 16, 2002	*Shore Hosp. Inc. v. Thompson*, 02-1284	*Selya*, Lipez, Lynch; 308 F.3d 91
Oct. 15, 2002	*Bryson v. Shumway*, 02-1059	Boudin, Bownes, *Lynch*; 308 F.3d 79

Date	Case Name & No(s).	Panel, *Written By;* Citation
Jan. 28, 2002	*Greenless v. Almond*, 01-1410	*Lynch*, Coffin, JBD; 277 F.3d 601
Nov. 30, 2001	*Cutler v. HHS*, 00-2413	Boudin, Torruella, Lynch; 23 F. App'x 12
Nov. 13, 2001	*Waterkeeper Alliance v. United States DOD*, 01-2057	Lynch, *Stahl*, Lipez; 271 F.3d 21
Sept. 10, 2001	*Wilson v. Shumway*, 00-1722	Boudin, *Torruella*, Stahl; 264 F.3d 120
May 18, 2000	*AFGE, Local 1146 v. United States HHS*, 99-2208	Selya, Coffin, Boudin; LEX10993
May 18, 2000	*MaineGeneral Med. Ctr. v. HHS*, 99-1085	Boudin, Cyr, Lynch; 210 F.3d 420
Mar. 8, 2000	*MaineGeneral Med. Ctr. v. Shalala*, 99-1085	Boudin, Cyr, *Lynch*; 205 F.3d 493
Dec. 3, 1999	*Lebron-Guzman v. HHS*, 99-1410	Torruella, Stahl, Lipez; 201 F.3d 427
Dec. 29, 1998	*Perez v. Commissioner of HHS*, 98-1369	Torruella, Boudin, Lipez; 181 F.3d 80
July 27, 1998	*Warder v. Shalala*, 97-2047	Torruella, *Campbell*, Lynch; 149 F.3d 73
Apr. 28, 1998	*Rosenthal v. Banks*, 97-2143	Boudin, Coffin, Lynch; 181 F.3d 80
Feb. 9, 1998	*Action for Boston Community Dev. v. Shalala*, 97-1834	Torruella, *Boudin*, JBD; 136 F.3d 29
Jan. 29, 1998	*DeNovellis v. Shalala*, 97-1091, -1092	Stahl, Bownes, *Lynch*; 135 F.3d 58
Oct. 29, 1997	*Nazario v. HHS, Comm'r of Social Sec.*, 97-1193	Torruella, Stahl, Lynch; LEX30030
Oct. 24, 1997	*Bermudez v. Secretary of HHS*, 96-2318	Torruella, Stahl, Lynch; LEX29776
Oct. 10, 1997	*Rosado v. Secretary of HHS*, 97-1188	Torruella, Stahl, Lynch; LEX28424
Sept. 16, 1997	*Pine Tree Medical Assocs. v. Secretary of HHS*, 97-1054	*Torruella*, Campbell, Boudin; 127 F.3d 118
Sept. 2, 1997	*DeNovellis v. Shalala*, 96-2050	Boudin, *Bownes*, Stahl; 124 F.3d 298
Aug. 13, 1997	*In re Ludlow Hosp. Soc'y*, 97-1014	Torruella, *Cyr*, Boudin; 124 F.3d 22
July 10, 1997	*Randlett v. Shalala*, 96-1950	*Boudin*, Aldrich, Lynch; 118 F.3d 857
Oct. 10, 1996	*Trembley v. Sullivan*, 95-2267	Torruella, Cyr, Stahl; LEX26781
July 5, 1996	*Rivera v. Secretary of HHS*, 95-2185	Torruella, Cyr, Stahl; LEX16047
May 21, 1996	*Gonzalez-Aleman v. Secretary of HHS*, 95-2168	Selya, Cyr, Stahl; LEX11655
Apr. 5, 1996	*Segarra v. Secretary of Health & Human Servs.*, 95-1783	Torruella, Boudin, Stahl; LEX6572
Mar. 29, 1996	*Niemi v. Shalala*, 95-1743	Torruella, Boudin, Stahl; LEX5818
Mar. 11, 1996	*O'Connell v. Shalala*, 95-1355	Torruella, Aldrich, *Selya*; 79 F.3d 170
Feb. 8, 1996	*Manso-Pizarro v. Secretary of Health & Human Servs.*, 95-1241	Torruella, Selya, Lynch; 76 F.3d 15
Dec. 28, 1995	*Cruz-Rosado v. Secretary of Health & Human Servs.*, 95-1620	Selya, Stahl, Lynch; LEX36980
Dec. 28, 1995	*Torres-Maldonado v. Secretary of Health & Human Servs.*, 95-1598	Cyr, Boudin, Lynch; LEX36979
Dec. 26, 1995	*Piniero-Sanchez v. Secretary of HHS*, 95-1496	Cyr, Boudin, Lynch; LEX36590
Dec. 14, 1995	*Valez v. Secretary of Health & Human Servs.*, 95-	Selya, Stahl, Lynch; LEX35199

Date	Case Name & No(s).	Panel, *Written By;* Citation
	1646	
Nov. 24, 1995	*McKean v. Shalala*, 95-1399	Selya, Cyr, Boudin; LEX32859
Oct. 30, 1995	*Sanchez-Rodriguez v. Secretary of Health & Human Servs.*, 95-1537	Cyr, Boudin, Lynch; LEX30979
Sept. 25, 1995	*Mercier v. Secretary of Health & Human Servs.*, 95-1049	Torruella, Selya, Stahl; LEX27531
Sept. 25, 1995	*Rossi v. Shalala*, 95-1045	Torruella, Selya, Boudin; LEX27530
Sept. 6, 1995	*Santos-Isaac v. Secretary of HHS*, 95-1227	Torruella, Selya, Lynch; LEX24996
Aug. 2, 1995	*Alvarez v. Secretary of Health & Human Servs.*, 95-1028	Torruella, Selya, Boudin; LEX20436
June 13, 1995	*Griswold v. Secretary of Health & Human Servs.*, 94-2168	Cyr, Boudin, Stahl; LEX14705
May 9, 1995	*Santos-Martinez v. Secretary of Health & Human Servs.*, 94-2152	Torruella, Cyr, Stahl; LEX10434

First Circuit "Massachusetts"—"HHS" & Similar Decisions Postdating May 8, 1995, Attachm. 4

Date	Case Name & No(s).	Panel,[1] *Written By;*[2] Citation[3]
May 4, 2020	*Rosie D. v. Baker*, 19-1262, -1767	Howard, *Lynch*, Lipez; 958 F.3d 51
May 2, 2019	*Massachusetts v. United States HHS*, 18-1514	*Torruella*, Lynch, Thompson; 923 F.3d 209
Dec. 15, 2014	*Connor B. v. Patrick*, 13-2467	*Lynch*, Selya, Kayatta; 774 F.3d 45
Jan. 15, 2013	*ACLU of Mass. v. United States Conf. of Catholic Bishops*, 12-1466, -1658	*Lynch*, Torruella, JBD; 705 F.3d 44
May 31, 2012	*Massachusetts v. United States HHS*, 10-2204, -2207, -2214	Lynch, Torruella, *Boudin*, 682 F.3d 1
May 11, 2011	*Massachusetts v. Sebelius*, 09-2392	*Lynch*, Boudin, Howard; 638 F.3d 24
Feb. 17, 2011	*Hutchinson v. Patrick*, 10-1268	Lynch, *Selya*, Howard; 636 F.3d 1
July 15, 2010	*Booker v. Mass Dep't of Public Health*, 09-1082	Lynch, *Lipez*, Howard; 612 F.3d 34
June 29, 2004	*Largess v. Supreme Judicial Court*, 04-1621	Boudin, Lynch, Howard; 373 F.3d 119
Mar. 17, 2004	*Long Term Care Pharmacy Alliance v. Ferguson*, 03-1895	*Boudin*, Lynch, Lipez; 362 F.3d 50
Jan. 28, 2003	*Rolland v. Romney*, 02-1697	Selya, *Coffin*, Bownes; 318 F.3d 42
Jan. 28, 2002	*Greenless v. Almond*,[4] 01-1410	*Lynch*, Coffin, JBD; 277 F.3d 601

[1] JBD signifies a judge from another court sitting by designation. *See* 28 U.S.C. §§ 291 *et seq.* (circuit judges and designations to other courts).

[2] Where writing was attributed to a single judge, that judge is emphasized; otherwise, the writing was *per curiam* or unattributed.

[3] Shorthand is used, *e.g.*, an Oct. 17, 2019, decision cited as LEX39410 is 2019 U.S. App. LEXIS 39410.

[4] Christine Ferguson was named in the case as Rhode Island's H.H.S. director. The author knows not whether at that point Ferguson had previously worked for Massachusetts, only that by January 15, 2003, Governor Romney had announced her nomination to lead Massachusetts H.H.S. *See* Higgins, *Mass. Health Commissioner To Join Public Health School*, The Harvard Crimson (Jan. 15, 2003) ("Meanwhile, W. Mitt Romney's administration has already named Koh's successor as commissioner—Christine Ferguson, who worked in the Rhode Island government before a failed bid for Congress in 2002."), *available at* https://www.thecrimson.com/article/2003/1/15/mass-health-commissioner-to-join-public/ (last accessed Oct. 22, 2023). Regardless, *Greenless v. Almond* is not included in the set of the First Circuit's last 10 most important decisions affecting Massachusetts H.H.S., *infra*.

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Reviewed First Circuit "DCF"-type Decisions Postdating May 8, 1995, Attachm. 5

Date	Case Name & No(s).	District	Type	Panel,[1] *Written By*[2]
July 11, 1995	*DeCosta v. Chabot*, 94-213	N.H.	Civ.	Boudin, Campbell, JBD
	59 F.3d 279; S.J. affirmed against couple who sued over unfounded child-abuse investigation			
Aug. 24, 1995	*United States v. Whalen*, 94-2304	ME	Crim.	Torruella, Lynch, JBD
	LEX23933;[3] revocation hearing affirmed; evidence entered from ME C.P.S.			
Feb. 1, 1996	*Wojcik v. Town of N. Smithfield*, 95-1594	R.I.	Civ.	Cyr, Boudin, Stahl
	76 F.3d 1; denying § 1983 wherein town moved kids to another school to question them, but found no abuse after home visit			
Nov. 12, 1996	*Pettiway v. Vose*, 96-1482	R.I.	Hab.	Coffin, *Torruella*, JBD
	100 F.3d 98; affirm. denial of § 2254 where Petitioner was barred from admitting D.C.Y.F. report of previous abuse by other possible suspects against same child victim			
Jan. 30, 1997	*Stafford Sch. Dist. V. Employers Reinsurance Corp.*, 96-1620	ME	Civ.	Selya, Boudin, *Aldrich*
	105 F.3d 45; affirming coverage for school district that filed to notify C.P.S.			
Apr. 17, 1997	*United States v. Schneider*, 96-1281	R.I.	Crim.	Aldrich, Lynch, *Boudin*
	111 F.3d 97; juror claimed D.C.Y.F. had given kids issues			
June 11, 1997	*Doe v. Moffat*, 96-2351	R.I.	Civ.	Selya, Boudin, Stahl
	LEX13748; Aff. S.J. for D.C.Y.F. where home was entered in exigent circumstances in abuse and custody case.			
Aug. 21, 1997	*White v. Gittens*, 96-1838	MA	Civ.	Torruella, Stahl, *Campbell*
	121 F.3d 803; ordering denial w. prej. of § 1983 against parole-board members after parolee reported in that D.S.S. removed his girlfriend's kids and filed report against him, triggering revocation			
Sept. 2, 1997	*DeNovellis v. Shalala*, 96-2050	MA	Civ.	Boudin, *Bownes*, Stahl
	124 F.3d 298; affirm. S.J. for H.H.S. in age-discrimination case mentioning "Administration for Children and Families"			
Nov. 7, 1997	*Brown v. Ives*, 96-1954	ME	Civ.	*Boudin*, JBD, JBD
	129 F.3d 209; affirm. S.J. for case worker who perjured self against a grandfather in custody proceeding.			
Dec. 22, 1997	*Acosta-Orozco v. Rodriguez-De-Rivera*, 97-1489	P.R.	Civ.	Torruella, Cyr, *Lynch*
	132 F.3d 97; reversing S.J. against D.S.S. manager fired after election of opposing political party			
Jan. 29, 1998	*DeNovellis v. Shalala*, 97-1091, -1092	MA	Civ.	*Lynch*, Stahl, Bownes
	135 F.3d 58; affirm. Den. Of inj. In age-discrimination case mentioning A.C.F.; Bownes dissents			

[1] JBD signifies a judge from another court sitting by designation. *See* 28 U.S.C. §§ 291 *et seq.* (circuit judges and designations to other courts).

[2] Where writing was attributed to a single judge, that judge is emphasized; otherwise, the writing was *per curiam* or unattributed.

[3] Shorthand is used, *e.g.*, an Oct. 17, 2019, decision cited as LEX39410 is 2019 U.S. App. LEXIS 39410.

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Date	Case Name & No(s).	District	Type	Panel, *Written By*
	at 66			
Feb. 9, 1998	*Action for Boston Community Dev. v. Shalala*, 97-1834	MA	Civ.	Torruella, *Boudin*, JBD
	136 F.3d 29; affirm. den. Of inj. for head start provider challenging H.H.S. grant award			
Jan. 21, 1999	*United States v. Hilton*, 98-1513	ME	Crim	Boudin, Coffin, *Bownes*
	167 F.3d 61; reversing dism. of child-porn indictment; Protection of Children Act, 1978 cited at 65 n. 1			
Apr. 12, 2000	*O'Neill v. Baker*, 99-1180	MA	Civ.	Selya, Boudin, *Lynch*
	210 F.3d 41; D.S.S. commissioner named def't in individual capacity			
May 8, 2000	*Weber v. Cranston Sch. Comm.*, 99-1086	R.I.	Civ.	Boudin, Bownes, *Lipez*
	212 F.3d 41; I.E.P. retaliation case; school employee threatened to report mom to D.C.Y.F.			
June 28, 2000	*McLeod v. State*, 00-1095	ME	Civ.	Selya, Campbell, Boudin
	LEX15060; affirm. dist. court's abstention from state child-protection proceeding			
Nov. 5, 2001	*Alwyr v. Duval*, 01-1270	N.H.	Civ.	Boudin, Torruella, *Stahl*
	26 F. App'x 17; § 1983 filed after D.C.Y.F. took temp. custody based on info from police			
Dec. 17, 2001	*Hatch v. Dep't for Children*, 01-1492	R.I.	Civ.	Coffin, *Selya*, JBD
	274 F.3d 12; affirm. S.J. for D.C.Y.F. after child lied about abuse and D.C.Y.F. took temporary custody			
May 30, 2002	*Brown v. Newburger*, 01-2410	MA	Civ.	Lynch, Cyr, *Coffin*
	291 F.3d 89; Boston Children's Hospital Doctor and D.S.S. were named defendants			
Aug. 1, 2002	*Mass. Soc'y for the Prevention of Cruelty to Children v. NLRB*, 01-2260	MA	Civ.	*Torruella*, Campbell, Cyr
	297 F.3d 41; labor-practices case			
Aug. 1, 2002	*Suboh v. Dist. Attorney's Office*, 01-2272, -2524	MA	Civ.	Selya, *Lynch*, JBD
	298 F.3d 81; affirm. S.J. for D.A., den. S.J. for cop who gave child to non-custodians about to leave the U.S. permanently with child			
Nov. 19, 2002	*Hatch v. Town of Middletown*, 02-1053	R.I.	Civ.	Torruella, *Lipez*, JBD
	311 F.3d 83; plaintiff accused of assaulting son filed § 1983 after D.C.Y.F. investigation			
Feb. 14, 2003	*Kauch v. Dep't of Children, Youth & Their Families*, 02-1488	R.I.	Civ.	*Torruella*, Stahl, Howard
	321 F.3d 1; affirm. S.J. for D.C.Y.F. case worker investigating plaintiff			
Mar. 4, 2003	*Devignon v. Clemmey*, 01-1862, 02-1293, -1393	MA	Civ	Torruella, Stahl, *Cyr*
	322 F.3d 1; affirm. $2.85 million verdict for family and child abused by private-citizen def't			
Apr. 22, 2003	*Tower v. Leslie-Brown*, 02-1904	ME	Civ.	Lynch, Lipez, *Howard*
	326 F.3d 290; affirm. S.J. in § 1983 against state child-protection worker			
June 12, 2003	*Ugurken Akturk Kosereis v. Rhode Island*, 02-2358	R.I.	Civ	Torruella, *Lynch*, Bownes
	331 F.3d 207; affirm. D.C.Y.F.'s win as named def't			

Date	Case Name & No(s).	District	Type	Panel, *Written By*
Feb. 6, 2004	*Redondo Const. Corp. v. P.R. Highway & Transp. Auth.*, 03-1587	P.R.	Civ.	Lynch, Howard, *Torruella*
	357 F.3d 124; denying immunity to private board; no mention of children or families except that the Department of the Family is a named def't			
May 18, 2004	*Economou v. Pepe*, 02-2390	MA	Hab.	Lipez, Stahl, *Campbell*
	96 F. App'x 5; den. § 2254 for prisoner indicted as a result of D.S.S. investigation			
June 9, 2004	*United States v. Morales-De Jesus*, 02-2695	P.R.	Crim.	Lynch, *Lipez*, JBD
	372 F.3d 6; conv. aff.; Child Protection Act cited at 11			
July 8, 2004	*Lavalee v. Coplan*, 04-1160	N.H.	Hab.	Selya, *Lynch*, JBD
	374 F.3d 41; finding *Brady* inapplicable to D.C.Y.F. files in § 2254 case			
Aug. 2, 2004	*Gonzalez-De Blasini v. Family Dep't*, 03-2345	P.R.	Civ.	Boudin, *Torruella*, Howard
	377 F.3d 81; affirm. S.J. for def't in political discrimination suite by employee			
Nov. 29, 2004	*Ridley v. Mass Bay Transp. Auth.*, 03-1970, -2285	MA	Civ.	Torruella, *Lynch*, Lipez
	390 F.3d 65; advertising case; child protection mentioned at 86			
Oct. 14, 2005	*Burton v. Town of Littleton*, 05-1015	MA	Civ.	Selya, *Lynch*, JBD
	426 F.3d 9; affirm. S.J. for town and employees against teacher-plaintiff who was fired for allegedly hitting student and was also reported to D.S.S. for same			
Aug. 16, 2006	*United States v. Frabizio*, 05-2034	MA	Crim.	Torruella, *Lynch*, Howard
	459 F.3d 80; reversing suppression of child pornography; Child Protection Act mentioned at 92			
Feb. 21, 2007	*Acevedo-Luis v. Pagan*, 06-1567	P.R.	Civ.	Boudin, Torruella, *Lynch*
	478 F.3d 35; affirm. Judgment against Dept. of the Fam. in employee's retaliation suit			
Mar. 5, 2007	*Mr. I v. Me. Sch. Admin. Dist. No. 55*, 06-1368, -1422	ME	Civ.	Torruella, Cyr, *Howard*
	480 F.3d 1; affirm. Need for special ed. For girl with Aspergers			
May 30, 2007	*Porto v. Town of Tewksbury*, 06-1994, -2193	MA	Civ.	Lynch, *Torruella*, JBD
	488 F.3d 67; reversing jury verdict for sexually harassed student; parents had reported abuse to D.S.S.			
Sept. 6, 2007	*Torres-Alamo v. Puerto Rico*, 06-1903	P.R.	Civ.	Lipez, JBD, *Torruella*
	502 F.3d 20; allowing plaintiff caseworker to amend in A.D.A./E.E.O.C. case			
Sept. 7, 2007	*Carter v. Lindgren*, 06-2539	R.I.	Civ.	Boudin, Torruella, JBD
	502 F.3d 26; suit against D.C.Y.F. as named def't			
Oct. 5, 2007	*Guerrero v. Ryan*, 07-1243	MA	Civ.	Boudin, Torruella, JBD
	LEX23684; affirm. Plaintiff's introduction of defendant's history with D.S.S.			
Nov. 20, 2007	*United States v. Dwinells*, 06-1709	MA	Crim.	Lipez, *Selya*, JBD
	508 F.3d 63; affirm. child-sex offender's conviction; Adam Walsh Child Protection Act at 69			
Nov. 27, 2007	*Aguilar v. United States Immigration & Customs Enforcement Div. of the Dep't of Homeland*	MA	Civ.	Boudin, *Selya*, Howard

— Page 3 of 7 (Total 93 pages, one zip archive and one SHA256 sum) —

Date	Case Name & No(s).	District	Type	Panel, *Written By*
	Security, 07-1819			
	510 F.3d 1; affirm. judgment against alien who sued over family integrity; D.S.S. mentioned at 6			
Jan. 31, 2008	*Parker v. Hurley*, 07-1528	MA	Civ.	*Lynch*, Howard, Stahl
	514 F.3d 87; finding for def't sch. cmt. Members, town, employees in "diverse families" materials case			
May 13, 2008	*Cax v. Puerto Rico*, 07-1394	P.R.	Civ	*Torruella*, JBD, JBD
	525 F.3d 112; affirm. dism. of elder's § 1983 against Fam. Dept. for gratuitously institutionalizing her.			
Aug. 20, 2008	*Soto-Lebron v. Fed. Express Corp.*, 06-2501, -2519	P.R.	Civ.	*Lipez*, Howard, JBD
	538 F.3d 45; affirm. dism. of wrongful term./I.I.E.D. suit w. private parties; "Family Department" at 66			
Oct. 15, 2008	*Batterman v. Leahy*, 07-2653	MA	Civ.	*Boudin*, JBD, JBD
	544 F.3d 370; attorney sued N.G.O. Committee for Public Counsel Services members, not C.P.C.S. itself, for payment for rep'ing twins in D.S.S. custody			
Oct. 30, 2008	*United States v. Polk*, 07-2425	ME	Crim.	Lynch, *Selya*, Howard
	546 F.3d 74; at 77, Adam Walsh Child Protection Act			
May 11, 2009	*Smith v. Thompson*, 08-1425	MA	Hab.	Torruella, Howard, *Stahl*
	329 F. App'x 291; denying rapist's § 2254 where D.S.S. interviewed child victim			
Nov. 4, 2009	*Miller v. Nichols*, 09-1174	ME	Civ.	*Lynch*, Torruella, Boudin
	586 F.3d 53; aff. den. of inj. where kids taken, put up for adoption			
Dec. 7, 2009	*Administracion Para El Sustento De Menores of the Dep't of the Family of P.R. v. HHS of the United States*, 08-2169	P.R.	Civ.	*Torruella*, Boudin, JBD
	588 F.3d 740; plaintiff challenges penalty assessed in data-enforcement rules of grant award			
Dec. 28, 2009	*United States v. Dyer*, 08-1343	ME	Crim.	*Lynch*, Torruella, JBD
	589 F.3d 520; at 527, Child Protection Act cited			
Jan. 8, 2010	*United States v. Volungus*, 09-1596	MA	Crim.	Boudin, *Selya*, JBD
	595 F.3d 1; at 2, Adam Walsh Child Protection Act cited			
Jan. 15, 2010	*United States v. Carta*, 09-1949, -2005	MA	Crim.	*Boudin*, Selya, JBD
	529 F.3d 34; at 36, Adam Walsh Child Protection Act cited			
Jan. 27, 2010	*J.R. v. Gloria*, 09-1404	R.I.	Civ.	*Lynch*, Lipez, Howard
	593 F.3d 73; finding no remedy for minor plaintiff against D.C.Y.F.			
June 18, 2010	*Sam M. v. Carcieri*, 09-1759	R.I.	Civ.	Stahl, *Torruella*, JBD
	608 F.3d 77; allowing minor's next friends to sue governor, state H.H.S. and D.C.Y.F. directors			
May 10, 2011	*United States v. D'Andrea*, 08-2455, 09-1018	MA	Crim.	Torruella, Lipez, *JBD*
	648 F.3d 1; child-rape and -pornography case; D.C.F./D.S.S. mentioned at 3 and at 3 n. 1			

Date	Case Name & No(s).	District	Type	Panel, *Written By*
June 30, 2011	*Siro v. Wall*, 10-1836	R.I.	Hab.?	Torruella, *Boudin*, Lipez
	644 F.3d 46; at 48, Hasbro Child Protection Team mentioned			
Aug. 11, 2011	*United States v. Shields*, 09-1330	MA	Crim.	Lynch, *Lipez*, JBD
	649 F.3d 78; at 81, Adam Walsh Child Protection Act mentioned			
Nov. 22, 2011	*Eldredge v. Town of Falmouth*, 11-1151	MA	Civ.	Boudin, Thompson, *Howard*
	662 F.3d 101; finding qual. Imm. for cop who hit pedestrian responding to 911 call mentioning D.S.S.			
Jan. 13, 2012	*Hawkins v. HHS*, 10-1761	N.H.	Civ.	Torruella, Selya, *Lipez*
	665 F.3d 25; Medicaid dental care for N.H. youth			
Feb. 22, 2012	*Valley Forge Ins. Co. v. Field*, 11-1316	MA	Civ.	*Lynch*, Howard, Thompson
	670 F.3d 93; finding insurer not liable for non-profit treatment facility's fortfeasance; Thompson dissents			
Feb. 29, 2012	*United States v. Kearney*, 10-2434	MA	Crim.	*Lynch*, JBD, Stahl
	672 F.3d 81; at 94-95, Adam Walsh Child Protection Act cited			
May 11, 2012	*United States v. Vixamar*, 11-1251	MA	Crim.	Boudin, Lipez, *Thompson*
	679 F.3d 22; D.S.S. investigator rejected as alternative culprit to defendant			
July 11, 2012	*United States v. Chiaradio*, 11-1290	R.I.	Crim.	Lynch, *Selya*, Thompson
	684 F.3d 265; at 274, Child Protection Restoration and Penalties Enhancement Act of 1990 cited			
July 27, 2012	*United States v. Carta*, 11-1921	MA	Crim.	*Howard*, Selya, Thompson
	690 F.3d 1; at 2, Adam Walsh Child Protection Act cited			
Aug. 20, 2012	*Consejo De Salud De La Communidad De La Playa De Ponce, Inc. v. Gonzalez-Feliciano*, 11-1221, -1126, -1733	P.R.	Civ.	*Torruella*, Selya, Lipez
	695 F.3d 83; dispute over Medicaid reimbursements			
Sept. 28, 2012	*Felder v. Wetzel*, 12-1939	MA	Civ.	*Lynch*, Boudin, Thompson
	696 F.3d 92; Boston Children's Hospital-involved custody suit under Hague Convention on the Civil Aspects of International Child Abduction			
Nov. 26, 2012	*United States v. Wetmore*, 11-1626	MA	Crim.	Lynch, *Boudin*, Lipez
	700 F.3d 570; at 572, Adam Walsh Child Protection Act mentioned			
Jan. 15, 2013	*ACLU of Mass. v. United States Conf. of Catholic Bishops*, 12-1466, -1658	MA	Civ.	*Lynch*, Torruella, JBD
	705 F.3d 44; services-for-trafficking-victims case; Mass. is amicus; *see* at 48 n. 1			
Sept. 17, 2013	*United States v. Volungus*, 12-1394	MA	Crim.	Lynch, *Torruella*, Stahl
	730 F.3d 40; at 42, Adam Walsh Child Protection Act mentioned			
July 15, 2014	*Jaquez v. Holder*, 13-2186	MA[1]	Imm.	*Lynch*, Lipez, Howard
	758 F.3d 434; affirm. den. of adjust. To immigrant's status due to MA D.C.f. reports against him			
Sept.	*United States v. Santiago*, 13-1416	P.R.	Crim.	Torruella, JBD, *Thompson*

[1] This immigration appeal cites no district court record; it is labeled MA from its subject matter.

Date	Case Name & No(s).	District	Type	Panel, *Written By*
12, 2014	769 F.3d 1; at 5, "Child Protection" mentioned			
Oct. 8, 2014	*United States v. Starks*, 13-1251	MA	Crim.	Lynch, *Thompson*, Kayatta
	769 F.3d 83, at 87, D.C.F. mentioned			
Oct. 8, 2014	*United States v. Sayer*, 14-1150	ME	Crim.	Lynch, Selya, Barron
	557 F. App'x 1; at 1, Adam Walsh Child Protection Act mentioned			
Oct. 20, 2014	*Piccone v. McClain*, 13-1627	MA	Civ.	Lynch, Howard, Kayatta
	586 F. App'x 709; suit against D.C.F. commissioner over underlying custody case			
Nov. 17, 2014	*Mayhew v. Burwell*, 14-1300	ME	Civ.	*Lynch*, Selya, Barron
	772 F.3d 80; case mentioning 19-to-20-year-old adults as "children" in terms of health care			
Dec. 15, 2014	*Connor B. v. Patrick*, 13-2467	MA	Civ.	*Lynch*, Selya, Kayatta
	774 F.3d 45; D.C.F. Commissioner Deveney named def't in D.C.F. civil case			
Dec. 18, 2014	*Winfield v. O'Brian*, 13-2438	MA	Hab.	Howard, *Kayatta*, JBD
	775 F.3d 1; rape of two-year-old; at 6, D.C.F. mentioned			
Feb. 4, 2015	*Rosario Bldg. Corp. v. Municipality of Mayagüez*, 13-1676	P.R.	Civ.	Torruella, JBD, Thompson
	778 F.3d 55; dispute over head-start lease			
Feb. 13, 2015	*Cooper v. Bergeron*, 13-1471	MA	Hab.	Lynch, Stahl, *Howard*
	778 F.3d 294; at 298, D.S.S. mentioned			
Apr. 21, 2015	*Danny B. v. Raimondo*, 14-1585	R.I.	Civ.	*Selya*, JBD, Lipez
	784 F.3d 825; off-shoot of *Sam. M.*; class cert. sought for minors exposed to harm while in D.C.Y.F. custody			
May 7, 2015	*Piccone v. Bartels*, 14-1989	MA	Civ.	Howard, Selya, *Stahl*
	785 F.3d 766; D.H.S. agents sue police chief for reporting them to their boss; D.S.S. was investigating Piccone's rother for child abuse			
July 16, 2015	*United States v. Feliz*, 13-2204	P.R.	Crim.	Torruella, Barron, *Lynch*
	794 F.3d 123; excluding as hearsay statements about the Dept. of the Fam.			
Feb. 5, 2016	*United States v. Wetmore*, 15-1522	MA	Crim.	Lynch, JBD, *Selya*
	812 F.3d 245; affirm. commitment under the Adam Walsh Child Protection Act			
May 30, 2016	*United States v. Gemma*, 14-2120	MA	Crim.	Lynch, *Stahl*, JBD
	818 F.3d 23; child victim ran away; at 28, D.C.F. mentioned			
June 9, 2016	*United States v. Bey*, 15-1655	MA	Crim.	Lynch, *Kayatta*, Barron
	825 F.3d 75; at 78, D.C.F. mentioned			
May 4, 2020	*Rosie D. v. Baker*, 19-1262, -1767	MA	Civ.	Howard, *Lynch*, Lipez
	958 F.3d 51; ruling for Mass. in Medicaid-for-disturbed-children case with H.H.S. as named def't; Lipez dissents strongly			
Sept. 1, 2020	*United States v. Montijo-Mayson*, 18-1640	P.R.	Crim.	Howard, Torruella, *Thompson*
	974 F.3d 34; affirm. conviction of child-sex offender			

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Date	Case Name & No(s).	District	Type	Panel, *Written By*
Apr. 28, 2021	*Boston Parent Coal. For Academic Excellence Corp. v. Sch. Comm. of Boston*, 21-1303	MA	Civ.	Howard, Thompson, *Kayatta*
	996 F.3d 37; dispute over admissions criteria for Boston's public exam schools; inj. Denied; D.C.F. zip code for children in its custody mentioned as meeting residency req.			
June 30, 2021	*Strickland v. Goguen*, 19-2104	MA	Hab.	Lynch, *Thompson*, Kayatta
	LEX19509; at 7, n. 8, D.C.F. mentioned			

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Filtered First Circuit "DCF"-type Decisions, Attachm. 6

Date	Case Name & No(s).	District	Panel,[1] *Written By;*[2] Citation[3]
July 11, 1995	*DeCosta v. Chabot*, 94-213	N.H.	Boudin, Campbell, JBD; 59 F.3d 279
Feb. 1, 1996	*Wojcik v. Town of N. Smithfield*, 95-1594	R.I.	Cyr, Boudin, Stahl; 76 F.3d 1
Jan. 30, 1997	*Stafford Sch. Dist. v. Employers Reinsurance Corp.*, 96-1620	ME	Selya, Boudin, *Aldrich*; 105 F.3d 45
June 11, 1997	*Doe v. Moffat*, 96-2351	R.I.	Selya, Boudin, Stahl; LEX13748
Nov. 7, 1997	*Brown v. Ives*, 96-1954	ME	*Boudin*, JBD, JBD; 129 F.3d 209
Apr. 12, 2000	*O'Neill v. Baker*, 99-1180	MA	Selya, Boudin, *Lynch*; 210 F.3d 41
June 28, 2000	*McLeod v. State*, 00-1095	ME	Selya, Campbell, Boudin; LEX15060
Nov. 5, 2001	*Alwyn v. Duval*, 01-1270	N.H.	Boudin, Torruella, *Stahl*; 26 F. App'x 17
Dec. 17, 2001	*Hatch v. Dep't for Children*, 01-1492	R.I.	Coffin, *Selya*, JBD; 274 F.3d 12
May 30, 2002	*Brown v. Newburger;* 01-2410	MA	Lynch, Cyr, *Coffin*; 291 F.3d 89
Apr. 1, 2002	*Suboh v. Dist. Attorney's Office*, 01-2272	MA	Selya, *Lynch*, JBD; 298 F.3d 81
Nov. 19, 2002	*Hatch v. Town of Middletown*, 02-1053	R.I.	Torruella, *Lipez*, JBD; 311 F.3d 83
Feb. 14, 2003	*Kauch v. Dep't for Children, Youth & Their Families*, 02-1488	R.I.	*Torruella*, Stahl, Howard; 321 F.3d 1
Apr. 22, 2003	*Tower v. Leslie-Brown*, 02-1904	ME	Lynch, Lipez, *Howard*; 326 F.3d 290
June 12, 2003	*Ugurken Akturk Kosereis v. Rhode Island*, 02-2358	R.I.	Torruella, *Lynch*, Bownes; 331 F.3d 207
Oct. 14, 2005	*Burton v. Town of Littleton*, 05-1015	MA	Selya, *Lynch*, JBD; 426 F.3d 9
May 30, 2007	*Porto v. Town of Tewksbury*, 06-1994, -2193	MA	Lynch, *Torruella*, JBD; 388 F.3d 67
Sept. 7, 2007	*Carter v. Lindgren*, 06-2539	R.I.	Boudin, Torruella, *JBD*; 502 F.3d 26
Nov. 4, 2009	*Miller v. Nichols*, 09-1174	ME	*Lynch*, Torruella, Boudin; 586 F.3d 53

[1] JBD signifies a judge from another court sitting by designation. *See* 28 U.S.C. §§ 291 *et seq.* (circuit judges and designations to other courts).

[2] Where writing was attributed to a single judge, that judge is emphasized; otherwise, the writing was *per curiam* or unattributed.

[3] Shorthand is used, *e.g.*, an Oct. 17, 2019, decision cited as LEX39410 is 2019 U.S. App. LEXIS 39410.

Date	Case Name & No(s).	District	Panel, *Written By;* Citation
Jan. 27, 2010	*J.R. v. Gloria*, 09-1404	R.I.	*Lynch*, Lipez, Howard; 593 F.3d 73
June 18, 2010	*Sam M. v. Carcieri*, 09-1759	R.I.	Stahl, *Torruella*, JBD; 608 F.3d 77
Feb. 12, 2012	*Valley Forge Ins. Co. v. Field*, 11-1316	MA	*Lynch*, Howard, Thompson; 670 F.3d 93
Sept. 28, 2012	*Felder v. Wetzel*, 12-1939	MA	*Lynch*, Boudin, Thompson; 696 F.3d 92
Oct. 20, 2014	*Piccone v. McClain*, 13-1627	MA	Lynch, Howard, Kayatta; 586 F. App'x 709
Dec. 18, 2014	*Connor B. v. Patrick*, 13-2467	MA	*Lynch*, Selya, Kayatta; 774 F.3d 45
Apr. 21, 2015	*Danny B. v. Raimondo*, 14-1585	R.I.	*Selya*, JBD, Lipez; 784 F.3d 825

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Filtered First Circuit "DCF"-type Decisions in Mass. Cases, Attachm. 7

Date	Case Name & No(s).	Panel,[1] *Written By;*[2] Citation
Apr. 12, 2000	*O'Neill v. Baker*, 99-1180	Selya, Boudin, *Lynch*; 210 F.3d 41
May 30, 2002	*Brown v. Newburger*; 01-2410	Lynch, Cyr, *Coffin*; 291 F.3d 89
Apr. 1, 2002	*Suboh v. Dist. Attorney's Office*, 01-2272	Selya, *Lynch*, JBD; 298 F.3d 81
Oct. 14, 2005	*Burton v. Town of Littleton*, 05-1015	Selya, *Lynch*, JBD; 426 F.3d 9
May 30, 2007	*Porto v. Town of Tewksbury*, 06-1994, -2193	Lynch, *Torruella*, JBD; 388 F.3d 67
Feb. 12, 2012	*Valley Forge Ins. Co. v. Field*, 11-1316	*Lynch*, Howard, Thompson; 670 F.3d 93
Sept. 28, 2012	*Felder v. Wetzel*, 12-1939	*Lynch*, Boudin, Thompson; 696 F.3d 92
Oct. 20, 2014	*Piccone v. McClain*, 13-1627	Lynch, Howard, Kayatta; 586 F. App'x 709
Dec. 18, 2014	*Connor B. v. Patrick*, 13-2467	*Lynch*, Selya, Kayatta; 774 F.3d 45

[1] JBD signifies a judge from another court sitting by designation. *See* 28 U.S.C. §§ 291 *et seq.* (circuit judges and designations to other courts).

[2] Where writing was attributed to a single judge, that judge is emphasized; otherwise, the writing was *per curiam* or unattributed.

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Reviewed First Circuit "DCF"-type Decisions in Mass. Crim. and Hab. Cases Postdating Aug. 1, 2011, Attachm. 8

Date	Case Name & No(s).	Panel,[1] *Written By;*[2] Citation[3]
Aug. 11, 2011	*United States v. Shields*, 09-1330	Lynch, *Lipez*, JBD; 649 F.3d 78
Feb. 29, 2012	*United States v. Kearney*, 10-2434	*Lynch*, JBD, Stahl; 672 F.3d 81
May 11, 2012	*United States v. Vixamar*, 11-1251	Boudin, Lipez, Thompson; 679 F.3d 22
June 27, 2012	*United States v. Carta*, 11-1921	*Howard*, Selya, Thompson; 690 F.3d 1
Nov. 26, 2012	*United States v. Wetmore*, 11-1626	Lynch, *Boudin*, Lipez; 700 F.3d 570
Sept. 17, 2013	*United States v. Volungus*, 12-1394	Lynch, *Torruella*, Stahl; 730 F.3d 40
Oct. 8, 2014	*United States v. Starks*, 13-1251	Lynch, *Thompson*, Kayatta; 769 F.3d 83
Dec. 18, 2014	*Winfield v. O'Brian*, 13-2438	Howard, Kayatta, JBD; 775 F.3d 1
Feb. 13, 2015	*Cooper v. Bergeron*, 13-1471	Lynch, Stahl, *Howard*; 778 F.3d 294
Feb. 5, 2016	*United States v. Wetmore*, 15-1522	Lynch, JBD, *Selya*; 812 F.3d 245
May 30, 2016	*United States v. Gemma*, 14-2120	Lynch, *Stahl*, JBD; 818 F.3d 23
June 9, 2016	*United States v. Bey*, 15-1655	Lynch, *Kayatta*, Barron; 825 F.3d 75
June 30, 2021	*Strickland v. Goguen*, 19-2104	Lynch, *Thompson*, Kayatta; LEX19509

[1] JBD signifies a judge from another court sitting by designation. *See* 28 U.S.C. §§ 291 *et seq.* (circuit judges and designations to other courts).

[2] Where writing was attributed to a single judge, that judge is emphasized; otherwise, the writing was *per curiam* or unattributed.

[3] Shorthand is used, *e.g.*, an Oct. 17, 2019, decision cited as LEX39410 is 2019 U.S. App. LEXIS 39410.

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Reviewed First Circuit "DCF"-type Decisions in Mass. Cases Per Year and By Judges Lynch & Torruella, Attachm. 9

Year	Circuit	Lynch	Torruella
Pre-Thompson 2010[A]	2	0	0
Post-Thompson 2010[A]	0	0	0
All 2010[A]	2	0	0
2011	3	1	1
2012	6	4	0
Pre-Kayatta 2013[B]	1	1	1
Post-Kayatta 2013[B]	1	1	1
All 2013[B]	2	2	2
Pre-Barron 2014[C]	1	1	0
Post-Barron 2014[C]	4	3	0
All 2014[C]	5	4	0
2015	2	1	0
2016	3	3	0
2017	0	0	0
2018	0	0	0
2019	0	0	0
2020[D]	1	1	0[D]
Partial 2021[D]	2	1	0[D]
Totals—	**46**	**26**	**12[D]**

[A] Thompson first appears in Lexis May 14, 2010; *see* 2010 U.S. App. LEXIS 27462.
[B] Kayatta first appears in Lexis May 8, 2013; *see* 2013 U.S. App. LEXIS 26065.
[C] Barron first appears in Lexis July 29, 2014; *see* 760 F.3d 126.
[D] The Honorable Juan Torruella died in office Oct. 26, 2020.

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First Circuit "Massachusetts" "Developmental Services"-type Decisions Postdating May 8, 1995, Attachm. 10

Date	Case Name & No(s).	Panel,[1] *Written By;*[2] Citation
Oct. 18, 2016	*Sherkat v. New England Vill., Inc.,* 16-1047	Torruella, Lynch, Barron; 691 F. App'x 644
Apr. 16, 2014	*Davidson v. Howe,* 13-2365	*Lynch,* Thompson, JBD; 749 F.3d 21
Jan. 19, 2010	*Voss v. Rolland,* 08-1874	*Lynch,* Selya, Stahl; 592 F.3d 242
Dec. 17, 2009	*Mosher v. Nelson,* 09-1636	Lynch, Stahl, *JBD;* 589 F.3d 488
Oct. 1, 2008	*Ricci v. Patrick,* 07-2522, -2523	*Lynch,* Selya, JBD; 544 F.3d 8
July 7, 1998	*King v. Greenblatt,* 95-1812, 97-1278, 95-1813, 96-1649, 97-1021, -1057	Selya, *Coffin,* Campbell; 149 F.3d 9
Oct. 10, 1997	*King v. Greenblatt,* 95-1812, 97-1278, 95-1813, 96-1649, 97-1021, -1057	Selya, *Coffin,* Campbell; 127 F.3d 190

[1] JBD signifies a judge from another court sitting by designation. *See* 28 U.S.C. §§ 291 *et seq.* (circuit judges and designations to other courts).

[2] Where writing was attributed to a single judge, that judge is emphasized; otherwise, the writing was *per curiam* or unattributed.

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Reviewed First Circuit "Harvard College"-type Decisions Postdating May 8, 1995, Attachm. 11

Date	Case Name & No(s).	Panel,[1] *Written By*[2]; *Citation*[3]
Nov. 12, 2020	*Students for Fair Admissions, Inc. v. Presidents & Fellows of Harvard Coll.*, 19-2005	Howard, *Lynch*; 980 F.3d 157
	Aff. Harvard's admissions system over plaintiff's allegations of racial bias	
Jan. 31, 2020	*Theidon v. Harvard Univ.*, 18-1279	Torruella, Lynch, *Thompson*; 948 F.3d 477
	Aff. Dism. of sex-discrimination suit filed by anthropologist seeking tenure	
Oct. 24, 2016	*Walker v. President & Fellows of Harvard College*, 15-1154	Thompson, Kayatta, *JBD*; 840 F.3d 57
	Aff. dism. of contr. Claim by law sch. alum. who lost job offer over plagiarism finding and sought expungement.	
Dec. 9, 2015	*Students for Fair Admissions, Inc. v. Presidents & Fellows of Harvard Coll. (Harvrad Corp.)*, 15-1823	Howard, Lynch, *Kayatta*, 807 F.3d 472
	Racial discrimination suit against Harvard	
Mar. 16, 2015	*Jones ex rel. United States v. Mass. Gen. Hosp.*, 13-1973	*Howard*, Lipez, Thompson; 780 F.3d 479
	Aff. jury verdict for Harvard Med. School *et al.* in False Claims Act case	
Feb. 27, 2013	*Rubin v. Islamic Republic of Iran*, 11-2144	Howard, *Stahl*, Lipez; 709 F.3d 49
	Denying attachment of Irani antiquities in museum custody; Harvard is an interested party	
May 7, 2012	*United States ex rel. Jones v. Brigham & Women's Hospital*, 10-2301	*Lipez*, JBD, Howard; 678 F.3d 72
	Rev. S.J. for Harvard Med. School *et al.* and remanding for trial in False Claims Act case centered on grant proposal	
Apr. 24, 2012	*Rohn v. Tap Pharm. Prods. (In re Luperon Mktg. & Sales Practices Litig.)*, 10-2494, 11-1329	*Lynch*, JBD, Lipez; 677 F.3d 21
	Aff. trial judge's discretionary gift of $11.4 million in unclaimed settlement funds to Harvard cancer research center	
May 1, 2009	*Fiumara v. Presidents & Fellows of Harvard College*, 08-1129	Lynch, *JBD*, Howard; 372 F. App'x 212
	Aff. Harvard's refusal to extend employee's leave indefinitely in A.D.A. suit	
Oct. 14, 2003	*Goldstein v. Harvard Univ.*, 02-2500	Torruella, Lynch, Howard; 77 F. App'x 534
	Aff. Harvard's win over student who failed to take general exam in A.D.A. suit	
July 1, 2002	*Afrasiabi v. Harvard Univ.*, 99-1295	Selya, Lynch, JBD; 39 F. App'x 620
	Aff. Harvard's win over person arrested by Harvard Police over extortion and threats	
Jan. 18, 1996	*Goldstein v. Harvard Univ.*, 95-1735	Torruella, Stahl, Lynch; LEX715
	A.D.A. suit filed by student	

[1] JBD signifies a judge from another court sitting by designation. *See* 28 U.S.C. §§ 291 *et seq.* (circuit judges and designations to other courts).

[2] Where writing was attributed to a single judge, that judge is emphasized; otherwise, the writing was *per curiam* or unattributed.

[3] Shorthand is used, *e.g.*, an Oct. 17, 2019, decision cited as LEX39410 is 2019 U.S. App. LEXIS 39410.

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Date	Case Name & No(s).	Panel, *Written By; Citation*
May 25, 1995	*Doe v. Harvard Univ.*, 95-1152	Torruella, Selya, Stahl; LEX12789
	Aff. dismissal of suit as frivolous	

Filtered First Circuit "Harvard College"-type Decisions Postdating May 8, 1995, Attachm. 12

Date	Case Name & No(s).	Panel,[1] *Written By[2]; Citation[3]*
Nov. 12, 2020	*Students for Fair Admissions, Inc. v. Presidents & Fellows of Harvard Coll.*, 19-2005	Howard, *Lynch*; 980 F.3d 157
Jan. 31, 2020	*Theidon v. Harvard Univ.*, 18-1279	Torruella, Lynch, *Thompson*; 948 F.3d 477
Dec. 9, 2015	*Students for Fair Admissions, Inc. v. Presidents & Fellows of Harvard Coll. (Harvard Corp.)*, 15-1823	Howard, Lynch, *Kayatta*, 807 F.3d 472
Mar. 16, 2015	*Jones ex rel. United States v. Mass. Gen. Hosp.*, 13-1973	*Howard*, Lipez, Thompson; 780 F.3d 479
May 7, 2012	*United States ex rel. Jones v. Brigham & Women's Hospital*, 10-2301	*Lipez*, JBD, Howard; 678 F.3d 72
Apr. 24, 2012	*Rohn v. Tap Pharm. Prods. (In re Luperon Mktg. & Sales Practices Litig.)*, 10-2494, 11-1329	*Lynch*, JBD, Lipez; 677 F.3d 21
May 1, 2009	*Fiumara v. Presidents & Fellows of Harvard College*, 08-1129	Lynch, *JBD*, Howard; 372 F. App'x 212
Oct. 14, 2003	*Goldstein v. Harvard Univ.*, 02-2500	Torruella, Lynch, Howard; 77 F. App'x 534
Jan. 18, 1996	*Goldstein v. Harvard Univ.*, 95-1735	Torruella, Stahl, Lynch; LEX715

[1] JBD signifies a judge from another court sitting by designation. *See* 28 U.S.C. §§ 291 *et seq.* (circuit judges and designations to other courts).

[2] Where writing was attributed to a single judge, that judge is emphasized; otherwise, the writing was *per curiam* or unattributed.

[3] Shorthand is used, *e.g.*, an Oct. 17, 2019, decision cited as LEX39410 is 2019 U.S. App. LEXIS 39410.

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CSV.zip, Attachm. 13

See Compact Disc of filing /002-Amended Motion to Vacate or Set Aside Sentence Section 2255/006-

Decl. of Martin Gottesfeld re Data and Tables, Exh. E/CSV.zip or

https://drive.google.com/drive/folders/1v8niLTe-eRyuTU9noLNLRCKp8KhkV2gL?usp=sharing.

For reference, the Secure Hashing Algorithm 256-bit ("SHA256") checksum of CSV.zip is

35b83d86272213665c21579d259b09b68fa69816cb2feb5ceef00ed460f21019 and its contents are as follows:

SHA256 Sum	Filename
539a14bfa9d49855f5d68aece724f8832582369edfe0acb86355297ae4ad36dc	CSV-valgrind.zip
27ccd9dc589ce0872d4c81ba15f5f2a680dc2f69e1ff24f92d40eb8821c13eca	**CSV-valgrind.zip.sha256**
efefc20e8b85c2f9311652b36f2ace999e494c93488fd8c0f187c0e39a376876	Makefile
9757a0705358f31e5ef93e3d40dcb954a826648e8488cdbda153024dfaebfaa6	**Makefile.sha256**
afbd986cc8581fdaa3c56cf7a7ae2c6f7e3e094f2b366ae0185726a340e47a56	calc
01c7c68571b23e1357dfa471a7f013c913eab35832098e13fab53fdef24c7b9e	**calc.c**
53c812614d71a617a8463180c1e7c98e62e0a2059508ed7dbf812522a9c24544	calc.c.sha256
2a848e6e5cac43593815cdeff18c128ed7ea64cb5f654a9deb84d4f34005f4b7	**calc.h**
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7162b0f1afbbf7fd33af3ca02483bad9db7f2a306dbed7b26bf1a47997298538	**calc.sha256**
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3cf33690327e272dca751fa6f4c8dc5b7564350e312d510c3152c0ccfba945de	clock_inlines.h
a7cc4927678b6131b7d5663be87685ada5481d19e9a568ce60bb137efcc88107	**clock_inlines.h.sha256**
e05072f31311d937083df2d4903e1890e73710c749fdba3abc86cf29d48b0dda	clock_prototypes.h
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cbe1273a477aabdc678d365a0ac1355bd4e16a352bcaef2a7a1abec3468b5cba	cppcheck.log
5dff06dc42e77bdf27912c6efa617de0a2bdc5f1d3ff63243228efffd80dc8d8	**cppcheck.log.sha256**
ef97346a009bec4be088c049aac9a3ef8d07717a6228a02d5a318eec86a0c2b0	dcf.csv
d44443b8f50a059cafdb7d4c51a5390bc6314ed108b05617949e5d383184826a	**dcf.csv.sha256**

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SHA256 Sum	Filename
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ef091a52e19f81b68ba23b0fcf51c3f268db07e1e976a133556fb096ca30eb5e	error_inlines.h
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2d77d75f9e9aaacc6b4804de4986bbf77974aeb83c246b0754b26492cbdf4608	file.h
48b1367706b44ffab17ef2c58bf6f69c9f5566f2082694a2bbc8456c70be247a	**file.h.sha256**
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e50e3fcd081d9dd81786d98cb864d7c53e22f5cbaf39a6d6fd79fafebc4959b0	**file_prototypes.h.sha256**
afb0eb76173a5f70b6d94d2288d9ad535dd25e109977982113f7f300131d0bf3	first_test.csv
5c1ac85e93f91ae5a05246c642b64b791aeebd88408146f10ebd60e1f21c5770	**first_test.csv.sha256**
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9f4253c23d3e752db15e66b89bc4e990593b540949234987e43988c981bd53d7	**frequencies_zero-to-255.csv.sha256**
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331938bf9c9917ac0719842e673cfdb4759a11f4bebd824f5f2c6c30a4d72174	hhs_and_dcf.csv
41731b0080d6545f0297cdd5217f60a9e7d7064b3985901116cedeca18401c09	**hhs_and_dcf.csv.sha256**
35c78454a40d9a6b3d0ba35e3907ea99bbd5b4cd5cbb098e713866172f977334	log.h
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                         SHA256 Sum                                         Filename
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48d46cd384b1a378d79bb7fa67f8241aef0215366ec6ff44c6b90477f2213157    mass_dcf.csv
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d61e03c3a8b11953ed42c03cbb544bfcf99b153fb452e351dbd0fbb088c2f3f7    mass_hhs.csv
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144288633f1c3acadf4518889db987fabe34ce8ba192294f94928713a8a84e8e    mem.h
0ef2a7e6bc68dcf8216d2884bba58ee8bac1f8f8fa835818bae9bd82fccae30e    mem.h.sha256
69bfff93648ab949a072b8967ff5c17b2d769d0c7a057b077472de54026ba1da    mem_inlines.h
ffe6d32eb3296d503990a5838f36b39cfe1672961c7d200dc711a85e1d66c0c6    mem_inlines.h.sha256
22436430217f9032be37ad2bbcdcd3b12796ced88045cffcd6d2ae5c50496aaa    mem_prototypes.h
482e241ad6582e1f09d7164e35f4074e2a22747e1c8012ebab14649bbe6db7b1    mem_prototypes.h.sha256
dd18d95a1099419b5fbdf90bb758cd8be610cf03b7eb8e23bec83c9c8a3221b5    process.c
21f0eaa65554bdbdb70f17da847fb44774f0329831ffd44f4f079a2554394834    process.c.sha256
4468724f92d14b342e11a7210dbabc69202ac80814782d6c52eec86af1c20844    process.h
3dfa73b49a587094217f4388c8286599427e2a8b68aabb66fb73768572553f4f    process.h.sha256
a4c01501c5e08716c79dc491aa65ec624f85f15cea99cc812521af6602ec0cda    process.o
840cbf7b9fc387d4a054d95f9207657754ad42c6113b52e33fb03c165ebe649a    process.o.sha256
3ac537e8d92cde68376e94ebe9361633586985fbea3722fdc2ce9c5ff0b049a9    rngtest0.stderr.txt
aeb13202d8e62f9db4d6361ed278ae344aaa2aebef705172964138e9978990d2    rngtest0.stderr.txt.sha256
3759609e27e899da5b0f8ab6f4ff25cbcaf677ef96c3e2c94ebb467e84cdd22a    rngtest1.stderr.txt
2c5baa80836f0dc53bb42e5b465bff81778106e9b52c8ce0dd9cdc681781c2b1    rngtest1.stderr.txt.sha256
160dd9543ae05b679bf7c5321cc251d1f857df3b78fc9f93f37a7812a210c58b    second_test.csv
cd91248f6678bcd1293b61d3397b0c4c28088a783691482b51b7cada763c616d    second_test.csv.sha256
88a9d5fb7ce4dc4dbba539bf86e8581b240dbbbd64200e096759eea8aec19dab    third_test.csv
c2bd7c63aea72873429acca88a2674dfd068b67bcaef07ed3130c36766aadcd8    third_test.csv.sha256
aa97540237afab717e7b7b354e1533bee29f6de52380a36a48e0d32313c39e4a    thread.h
25ed1b0ecea6929911eebf7a7fb053fba5b94dc8661a0292087fbe2f94881953    thread.h.sha256
```

SHA256 Sum	Filename
3d7fc83239d6d76d35e3323db060d4213304b547f06db8af5d171972aae549f4	thread_inlines.h
fbb6ec5813dd4242e9a315f99a0167d2a16028793fbcf24f2af840fac5d300ea	**thread_inlines.h.sha256**
43ef54aeb2d7935dc6eabeaaf392d5238cbdb55c9ea5e0ea050f79893f7b5ba7	thread_prototypes.h
086a34585d0ee68a977e84439441a5d77c86985a5f572bbf71272e1c24992cbf	**thread_prototypes.h.sha256**
466a68d60a19a4c95dbc65bc2ec65971b789a8704578a44663267b0c8575c55b	threaded_ring_buffer.c
7a4ff0967d83b91ded8aa01896721b1de5a2655a1570e09792f61843cddb5170	**threaded_ring_buffer.c.sha256**
614f3018998fce56da4bd6ba9036b2c8333d338146563003228d088bb8ce5eab	threaded_ring_buffer.h
1d9ea57e46f1a6c173e54f21395474ee0c62ab5f19896930aef07260ae91a121	**threaded_ring_buffer.h.sha256**
0e07ec3c3d121c47d27136cb49aeee6c15af96a22baec4c23f57776bd0cedd35	threaded_ring_buffer.o
99e3b98e9837f74f5c432d6a1fe7954bcd869930f2d1b7be8a57f2907c716719	**threaded_ring_buffer.o.sha256**
2d52825ae6d5056471921af8406dd2bf5443d5d9128819d18fdcad27743a8561	user_random.c
9f11e844e4abcf362d2b752ebe606f846761095c094755955c52ec3d68f21181	**user_random.c.sha256**
10711f64f1605ca351289a7307396ace87318d1244d2fcbb2598f16bf65c1507	user_random.h
8bde1abddce5250afc754de93424c1710e1acf1a72016f5e6b64aceaddd96532	**user_random.h.sha256**
d4e46086835c133e5b771c0c7046e470523282cbb826bc750e480bc20e1cacc7	user_random.o
a79d4929dc62362ace30980f2ae6211eb816f7fdc126d779865ef28b5aa3e508	**user_random.o.sha256**

The contents of the internal CSV-valgrind.zip archive, *above*, are as follows:

SHA256 Sum	Filename
ad8ea8b868e9d4f7a062837b071e094842af7d72e097682c7e9479f3666cff31	calc.supp
73b7eb01d454bd095cbbd1f7055a8923ae2ce1c48baa20e924f45f8c0ed4774c	**calc.supp.sha256**
d56bc08383833eb17782706d133c180755b159aec27c1124935578b33bce584c	dcf.csv
a1d3da816312c0808eea48fec937e174643b7d2d167cec8a6674cd2f212a3a4a	**dcf.csv.sha256**
303ed51bd6305c51cd89b4b1e51f84ee8de7107de24eae6d520d80bff8102419	first_test.csv
3fc75b4d916179b13b38f97d0b747d06cd69dbe5e984f5e261051a7e358d1568	**first_test.csv.sha256**
0e11e88414144874bcf131a6652d4ba2a8065c299e03ef5f628a9138972258eb	frequencies_zero-to-255.csv
36a1ef443f078e7afc3530a8527f66e618ec8de54f4c471d8155ef4d524066c2	**frequencies_zero-to-255.csv.sha256**
722b1a86acf1bc7ed6fd6ddcd7465e672e40d44bf390a320207c9a951f52a41a	frequencies_zero-to-275.csv
8b2fe782c49d4c0ea0318a3caf7635c7465967cc6ff5f1c8c9a8ab8867f53384	**frequencies_zero-to-275.csv.sha256**
fba78682ef8cb4d2ca5779bffa0a9f3517f151bcb9fe68a2dbc4e6022d64f7b3	harvard.csv
23fc5864ce442d758b6e1b2edc76f835ab4ba13ca67a2a35bafc37d95829b9ee	**harvard.csv.sha256**

SHA256 Sum	Filename
935bdb37fc3142dd0f148e966796de93eb78d10140890ba2826a59480cea1812	harvard_and_mass_hhs_dcf_dds.csv
d0708bfe881804d98583203e2a62d4c19be0b8e561f368d5d2e629bca670d926	**harvard_and_mass_hhs_dcf_dds.csv.sha256**
9aa76492f89710788af15a754b43aec0c402c669a4efa96d11344d5f082e52e9	haveged.stderr.txt
01f3df597424d74c6c7694dc0f44f73aeff806f4c0494aa16883e1da78efa5f6	**haveged.stderr.txt.sha256**
8d3152103f44ed8b4c2fa8910dd6c82410ac1d0d3bf4c06f41c8189bb0fe13fc	hhs.csv
4665495d64ebba6e55102f3ccfe7925370186b7f50244072e8583e6ac482e575	**hhs.csv.sha256**
9717d3e63eeee692386b2f776434b91f6878dcddb4f1ae519b92fb682eb8c1f6	hhs_and_dcf.csv
99a8b2363b1741b4a65060458643893dce39d3666eab785600dbd43a2b2c250a	**hhs_and_dcf.csv.sha256**
d12e1d8f71d45399a9934ac1107b1b7067a79ba6115eea0d3dcd5ed7c3b95a11	mass_dcf.csv
0deb246169f6029aafea523bc4dabbdb5c93cf444a0fb62c02b899a2de6cb206	**mass_dcf.csv.sha256**
f04cc231c61b64d69c5c3eebb7229de763e260830fed17252e3bf5d0a0d31f75	mass_dds.csv
ec586202f755592d4ac66fd1d203cf7cb325ace65d3b8a2c8cdbca90cf4454ee	**mass_dds.csv.sha256**
dcdf54970b6865dacf068d1d44f7e9a811310ab936a5744587654d127833cb3e	mass_hhs.csv
d299420dd8b1c0fce949a00a0a09fdbd74e4bff16588e128b0b1cda7c21ba307	**mass_hhs.csv.sha256**
fd78b519ad7bd9647e5e47196c3fd7db14d0d7c3aec3b0f4785f9392dba5ebe7	mass_hhs_dcf_dds.csv
d828f46258608878d3cf7ae033252ec26c9aa6c03d591b39a155cbc010ab90bc	**mass_hhs_dcf_dds.csv.sha256**
6156f355bc99bb9017d387beb20aea5ddedb0640e7617d5dc1e499d1e43297e2	rngtest0.stderr.txt
6e740bf519913a5145ff81221a7755a5edd853ff97c00cb7cab2303b65cb04ec	**rngtest0.stderr.txt.sha256**
9584928c8b964ac62d2635b3ec0d340b7a62868ea6af9c51523a440ecfc52e4f	rngtest1.stderr.txt
b1c0b0bf0459739d6a778710f67f975e0466db6728598d705bd05b57c637a42d	**rngtest1.stderr.txt.sha256**
5520c558d9933275fcb6c3654d9128b6bf2ca99f6d1fc12da1a84c493e26126a	second_test.csv
9a682c04f10c0f0c5694c4693a60c33be9d6125d1466b7876e26473032d95985	**second_test.csv.sha256**
91f09af500c437be97376ec12dde0e6e662c3f2796e3f8c146fa33ab38d2bbbb	third_test.csv
e132942dbcdc6095414ab06da5ea9b210a60d0454547f1467f5598f208695557	**third_test.csv.sha256**

— Page 5 of 5 (Total 93 pages, one zip archive and one SHA256 sum) —

CSV.zip.sha256, Attachm. 14

See Compact Disc of filing /002-Amended Motion to Vacate or Set Aside Sentence Section 2255/006-

Decl. of Martin Gottesfeld re Data and Tables, Exh. E/CSV.zip.sha256 or

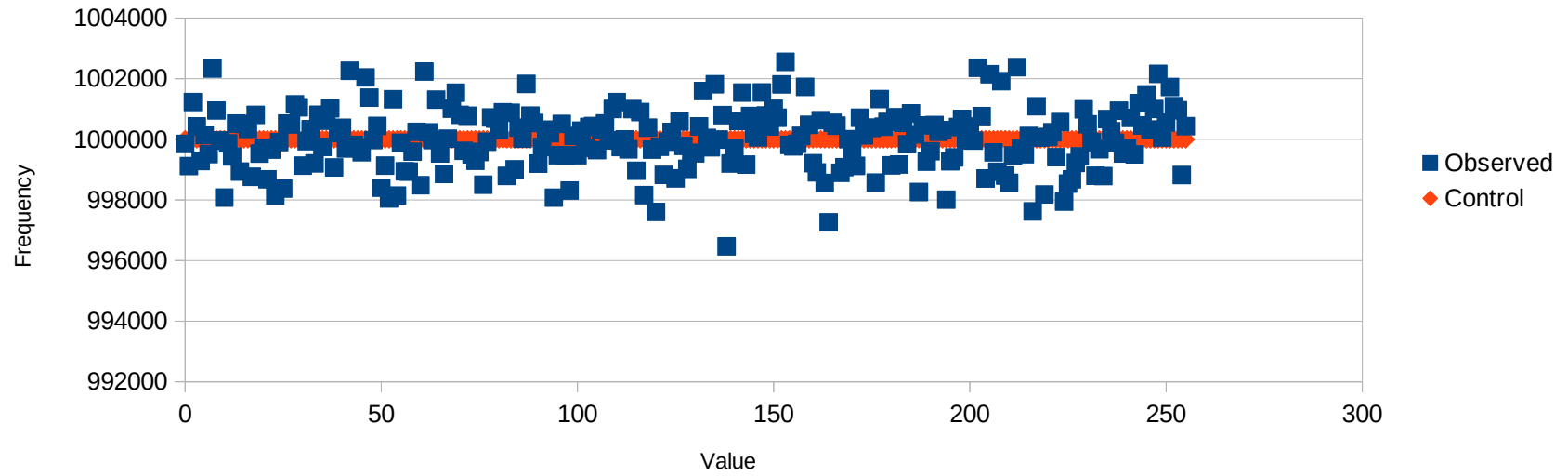https://drive.google.com/drive/folders/1v8niLTe-eRyuTU9noLNLRCKp8KhkV2gL?usp=sharing.

For reference, the contents of CSV.zip.sha256 are as follows.

35b83d86272213665c21579d259b09b68fa69816cb2feb5ceef00ed460f21019 CSV.zip

Eight-bit Entropy Frequency Distribution, Attachm. 15

Eight-bit Entropy Frequency Distribution

(256 Million Samples)

Zero—275 Entropy Frequency Distribution, Attachm. 16

Zero–275 Entropy Frequency Distribution

(276 Million Samples)
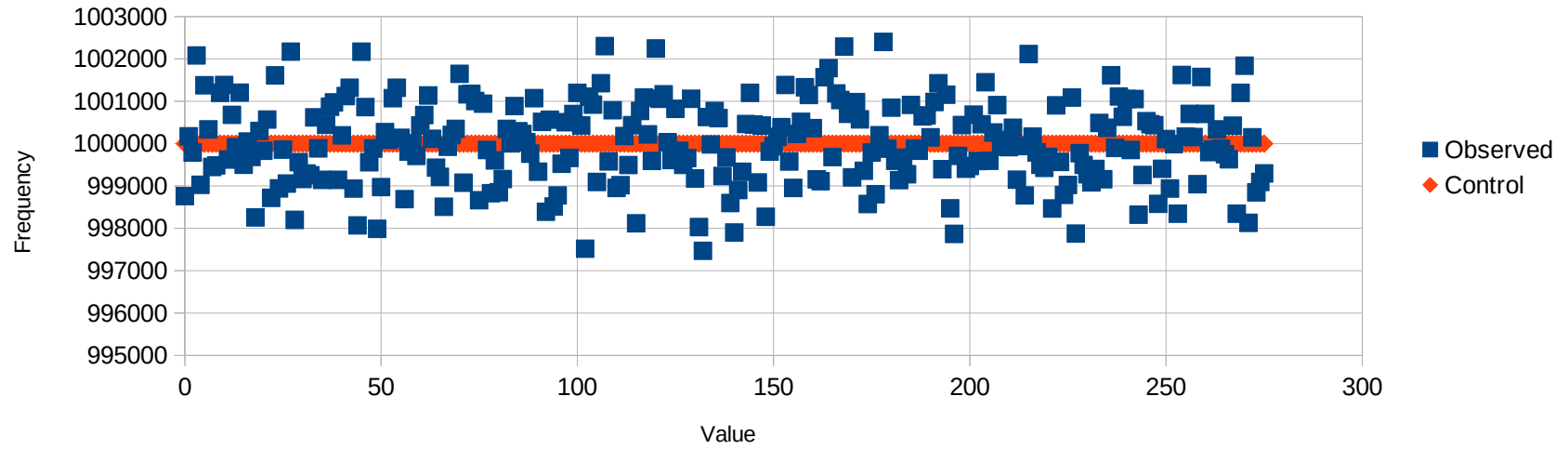
First Test Dataset Frequency Distribution, Attachm. 17

First Test Dataset Frequency Distribution

(100 Million Simulations of Four Cases at 1:2)
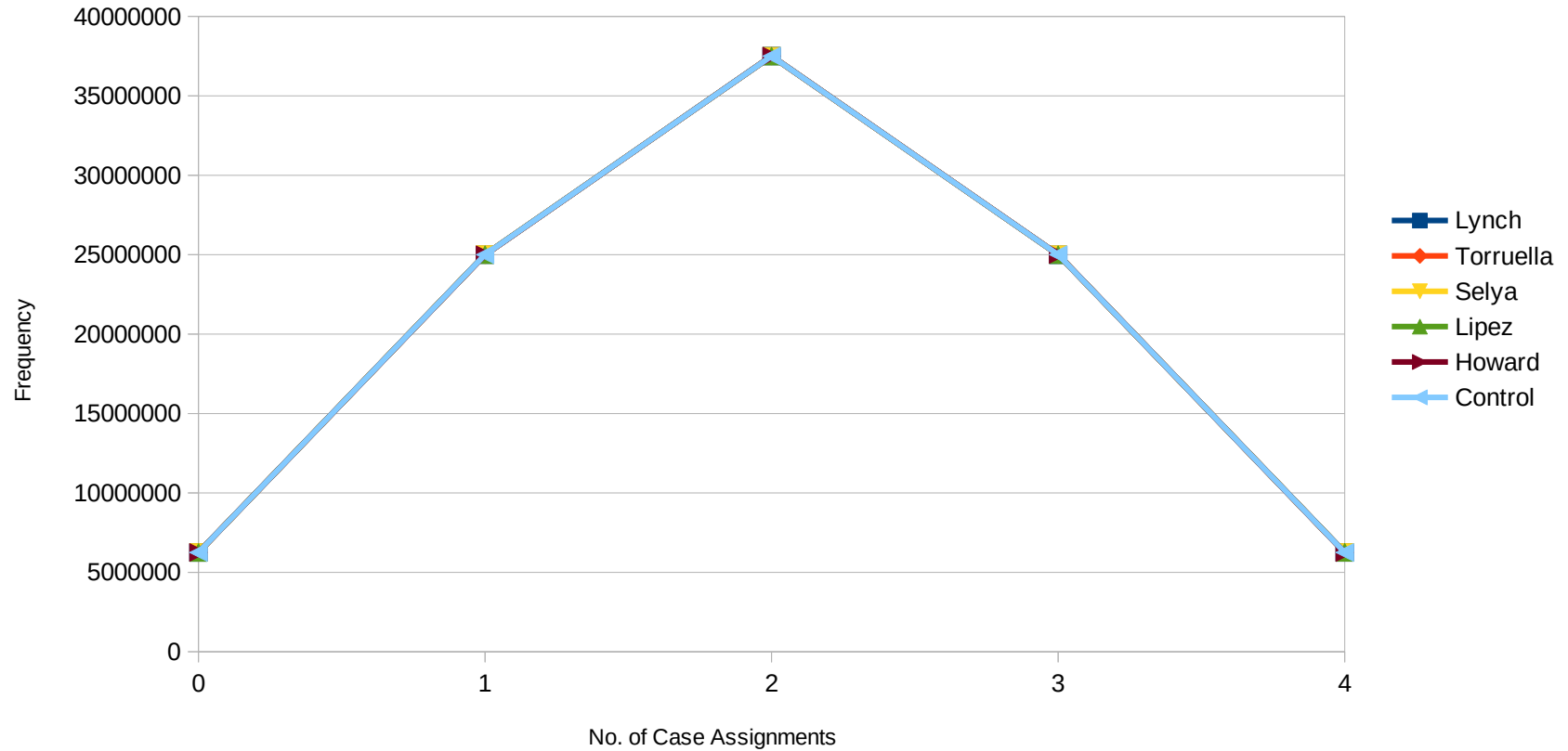
* The frequencies of assignments from the simulations align with the control curve to such an extent that the chart's lines are all on top of each other at any scale presentable on 8½x11-inch paper.

— Page 1 of 1 (Total 93 pages) —

Second Test Dataset Frequency Distribution, Attachm. 18

Second Test Dataset Frequency Distribution

(100 Million Simulations of Eight Cases at 1:3)
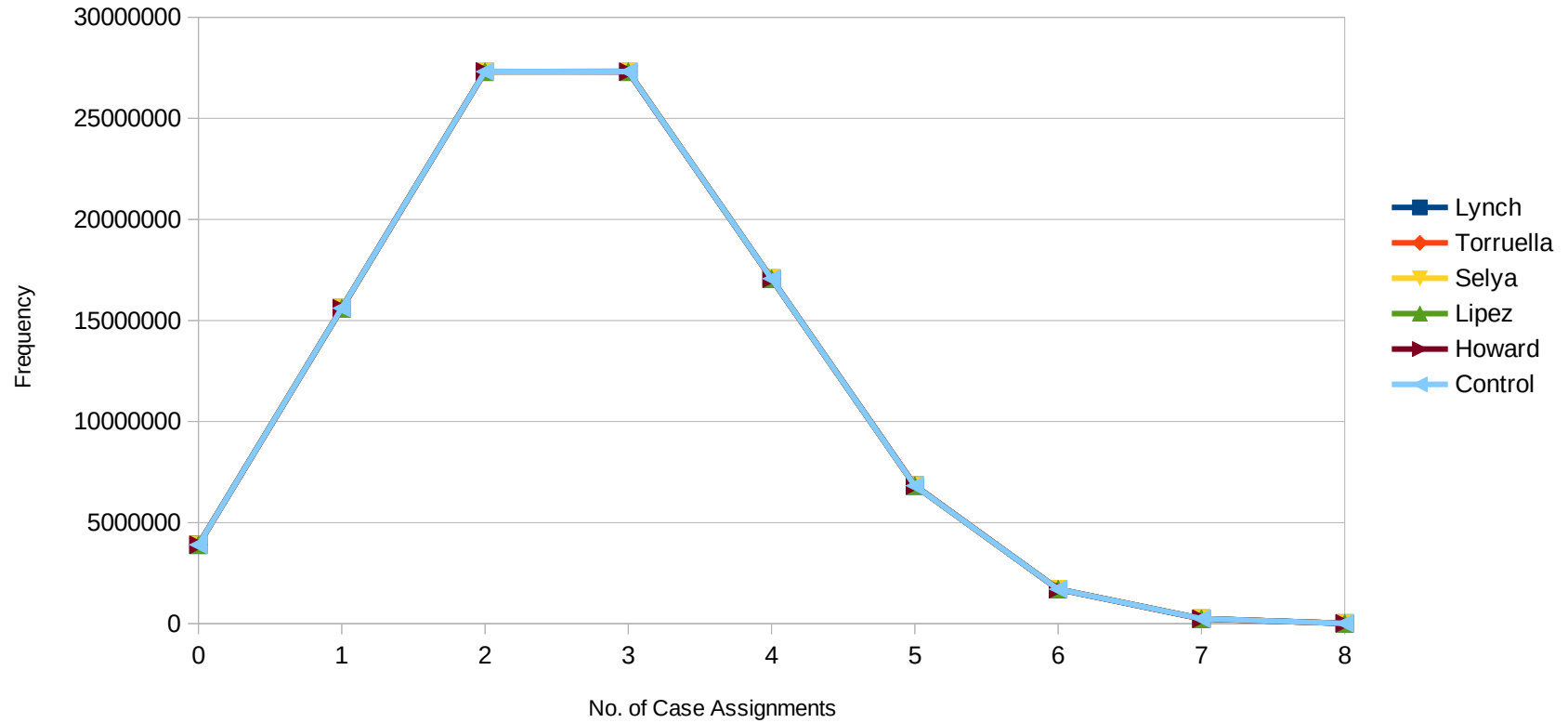
* The frequencies of assignments from the simulations align with the control curve to such an extent that the chart's lines are all on top of each other at any scale presentable on 8½x11-inch paper.

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Third Test Dataset Frequency Distribution, Attachm. 19

Third Test Dataset Frequency Distribution

(100 Million Simulations of 20 Cases at 3:4)
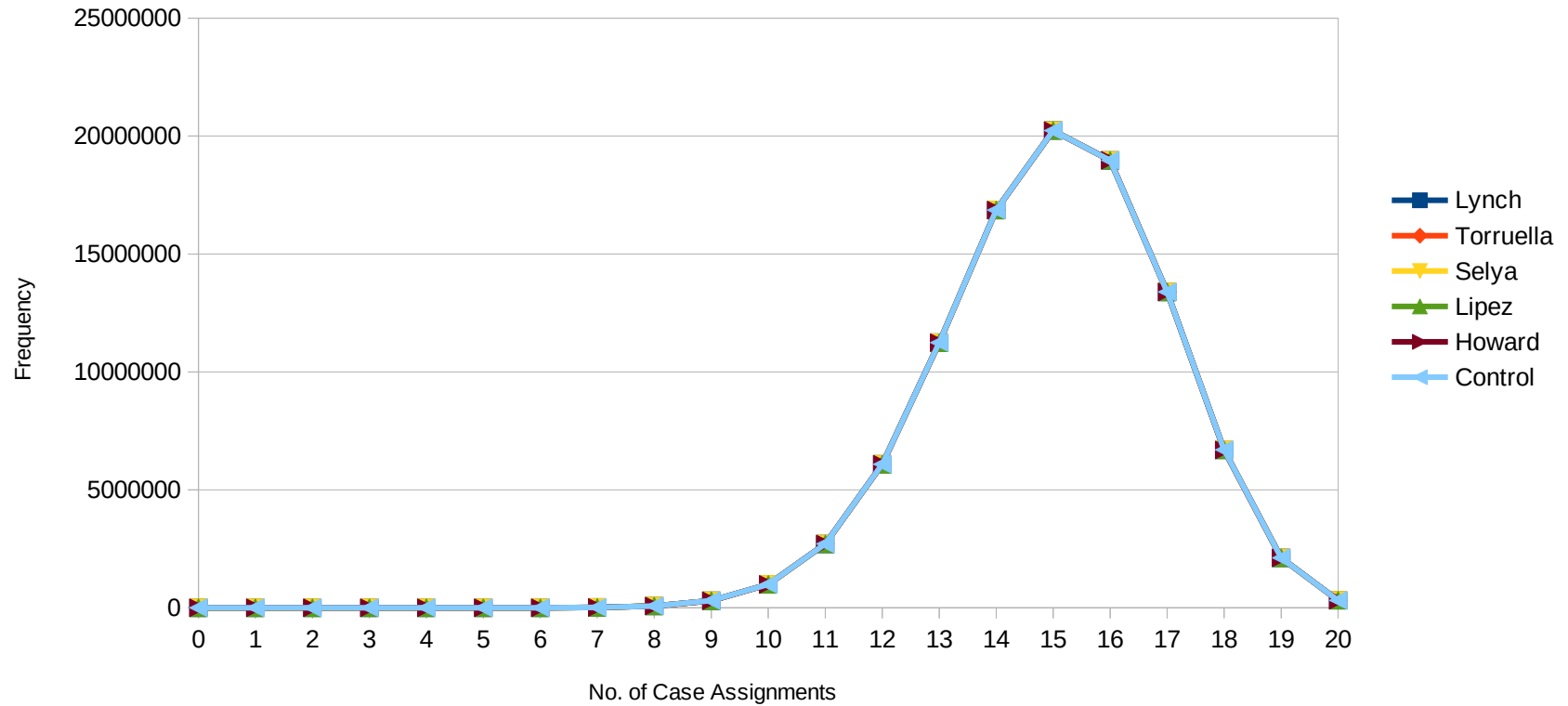
* The frequencies of assignments from the simulations align with the control curve to such an extent that the chart's lines are all on top of each other at any scale presentable on 8½x11-inch paper.

— Page 1 of 1 (Total 93 pages) —

First Circuit "Massachusetts"–"HHS" & Similar Case Assignments Expected Freq. Distr., Attachm. 20

First Circuit "Massachusetts"—"HHS" & Similar Case Assignments Expected Freq. Distr.

(One Billion Simulations)
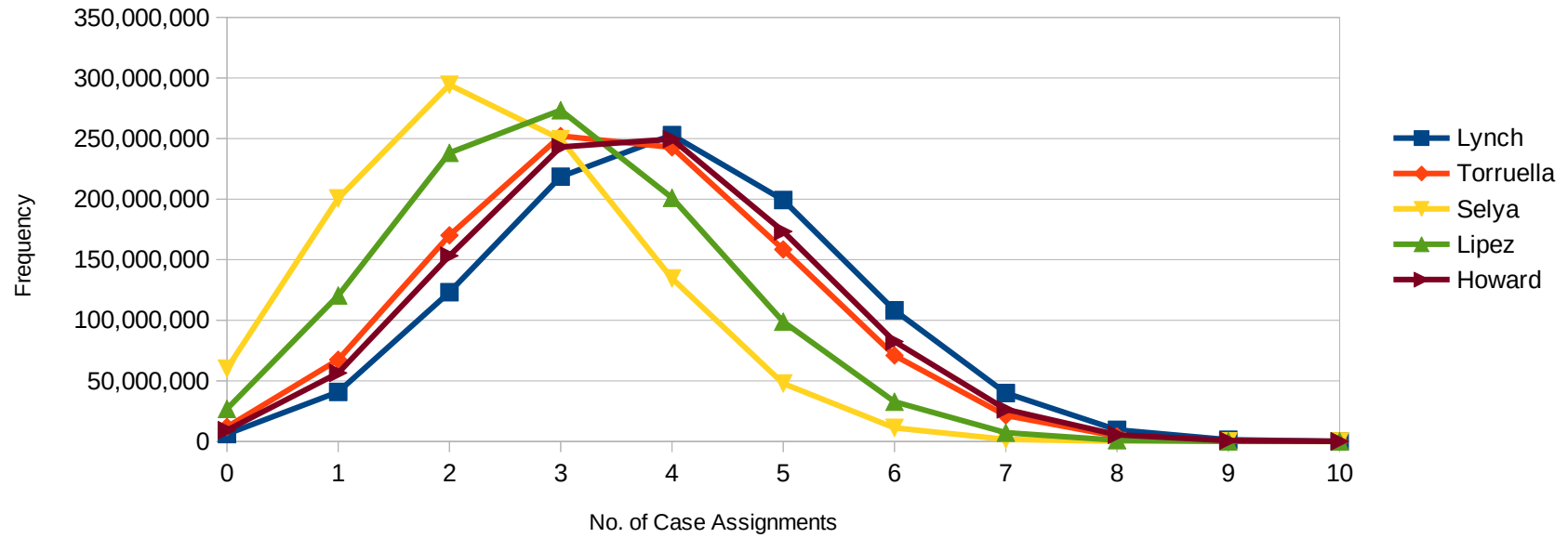
First Circuit Massachusetts "DCF"-type Case Assignments Expected Freq. Distr., Attachm. 21

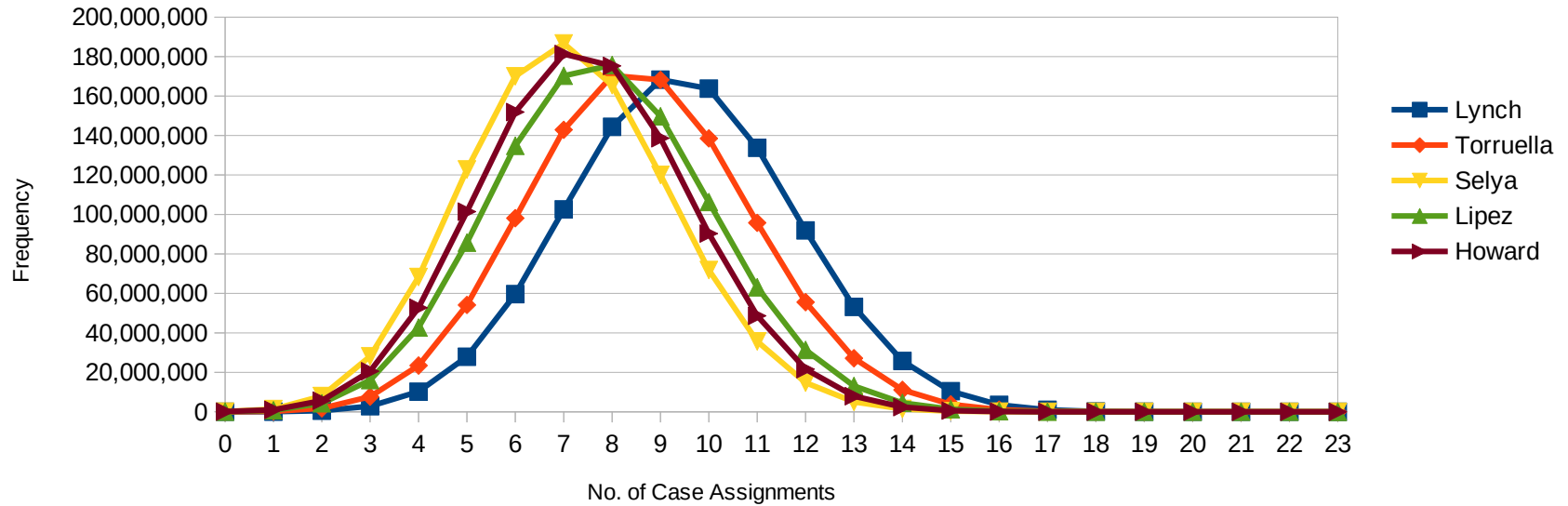## First Circuit Massachusetts "DCF"-type Case Assignments Expected Freq. Distr.

(One Billion Simulations)
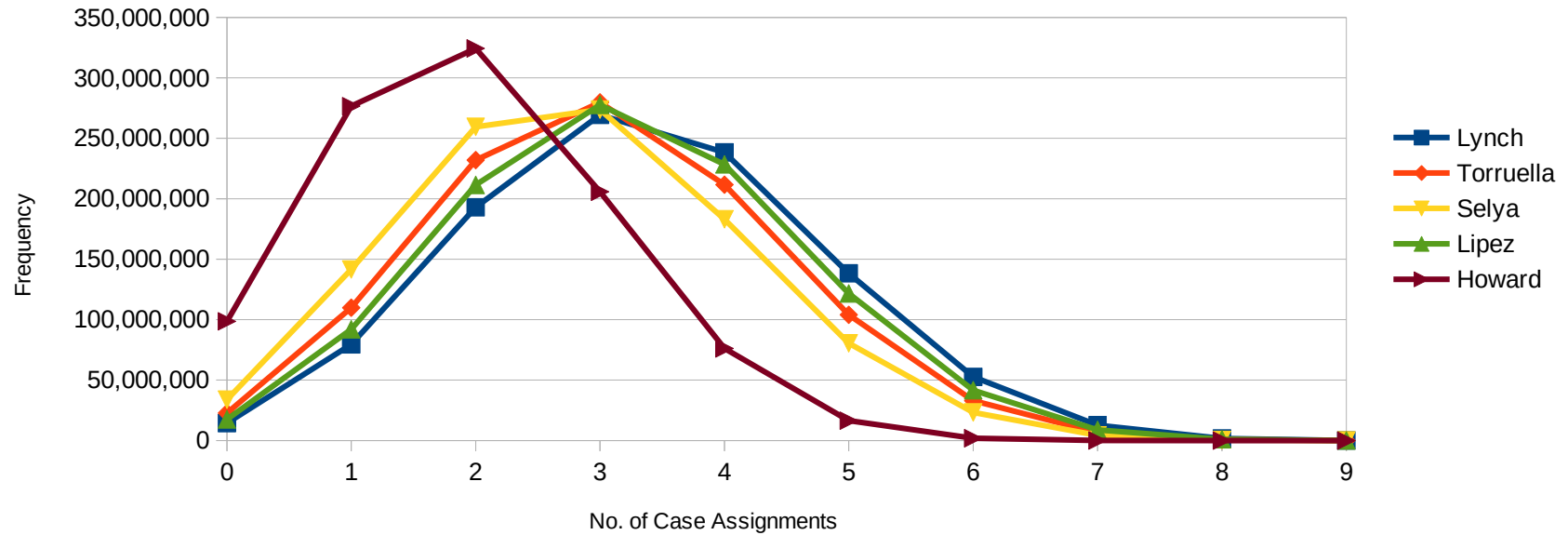
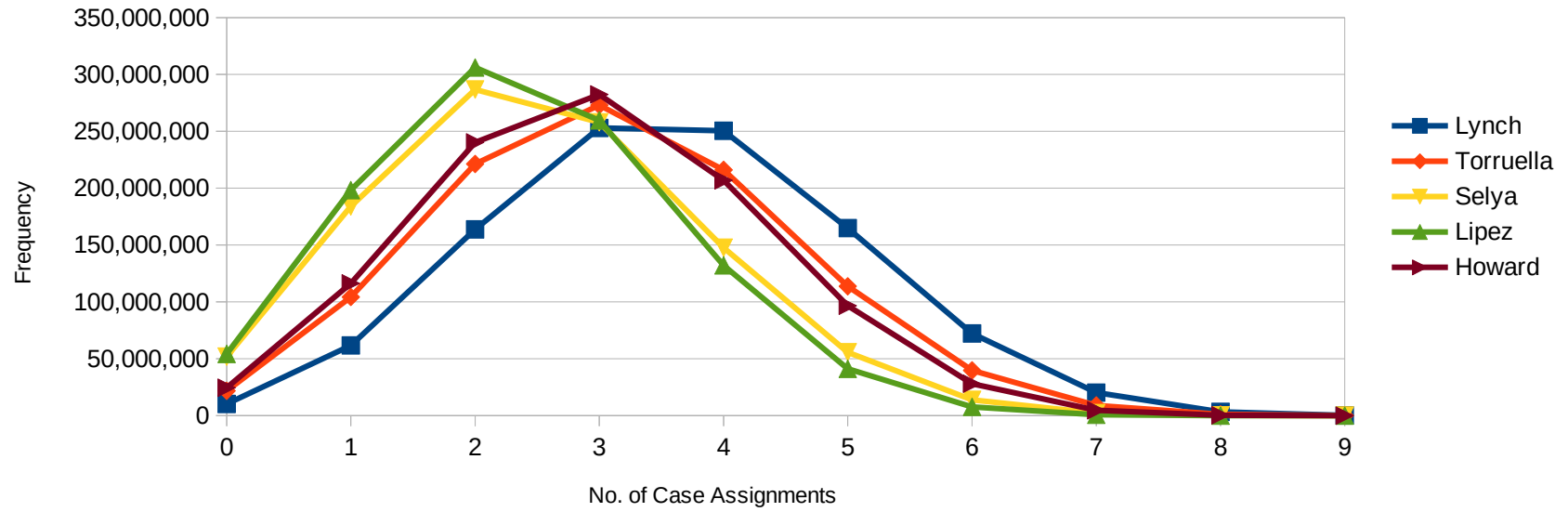**First Circuit "Massachusetts" "Developmental Services"-type Case Assignments Expected Freq. Distr., Attachm. 22**

First Circuit "Massachusetts" "Developmental Services"-type Case Assignments
Expected Freq. Distr.

(One Billion Simulations)
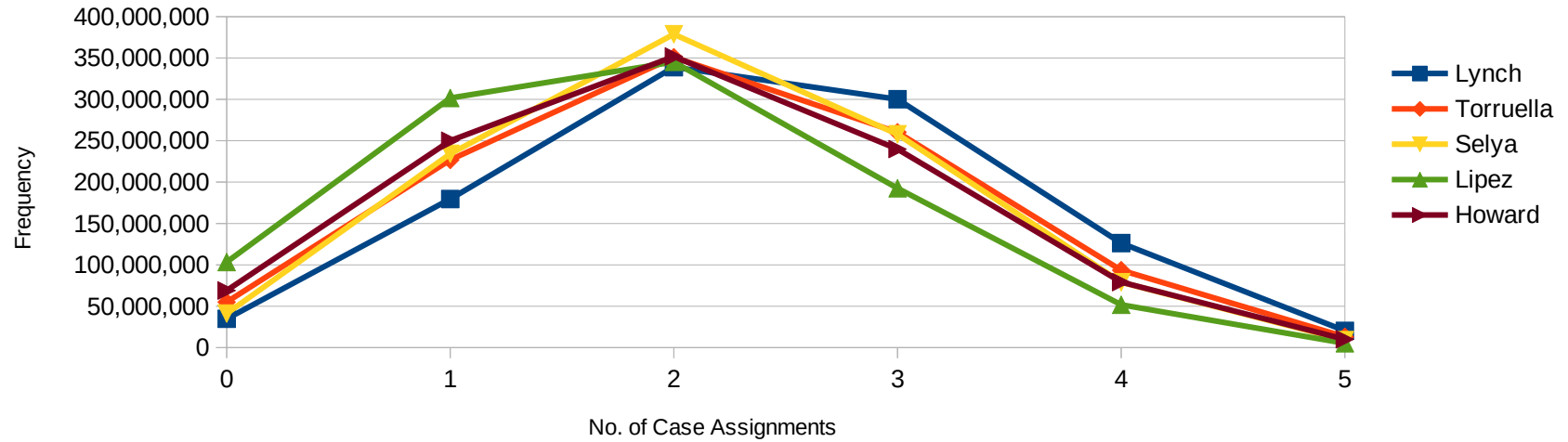
First Circuit "Massachusetts" "DCF" and "Developmental Services"-type Case Assignments Expected Freq. Distr., Attachm. 23

First Circuit "Massachusetts" "DCF" and "Developmental Services"-type Case Assignments Expected Freq. Distr.

(One Billion Simulations)

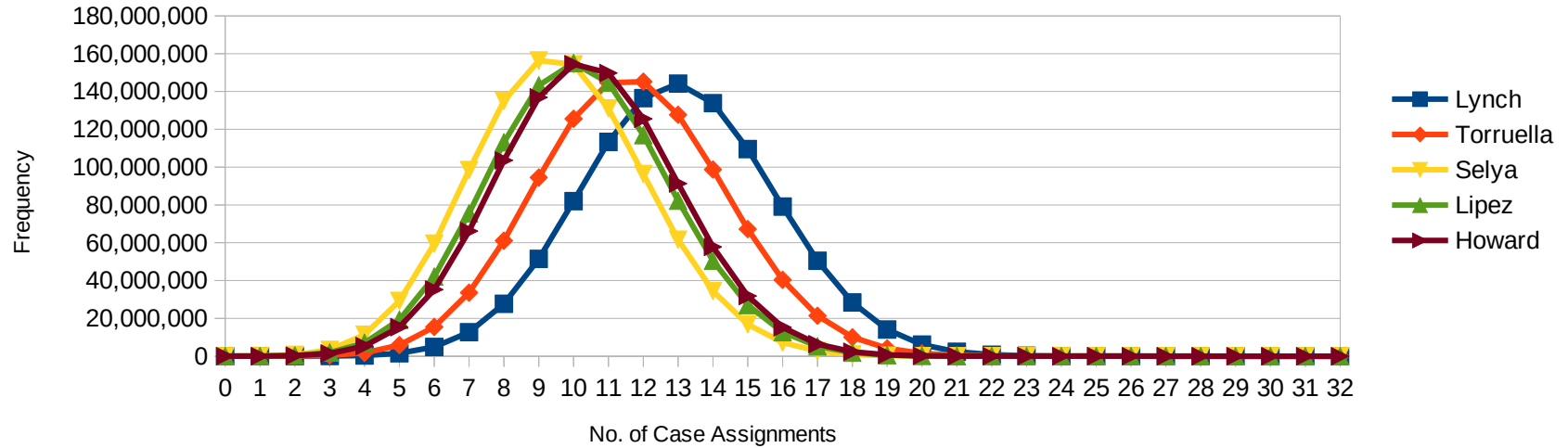**First Circuit "Harvard"-type Case Assignments Expected Freq. Distr., Attachm. 24**

First Circuit "Harvard"-type Case Assignments Expected Freq. Distr.

(One Billion Simulations)

First Circuit "Harvard" and "Massachusetts" "HHS" "DCF" & DDS-type Case Assignments Expected Freq. Distr., Attachm. 25
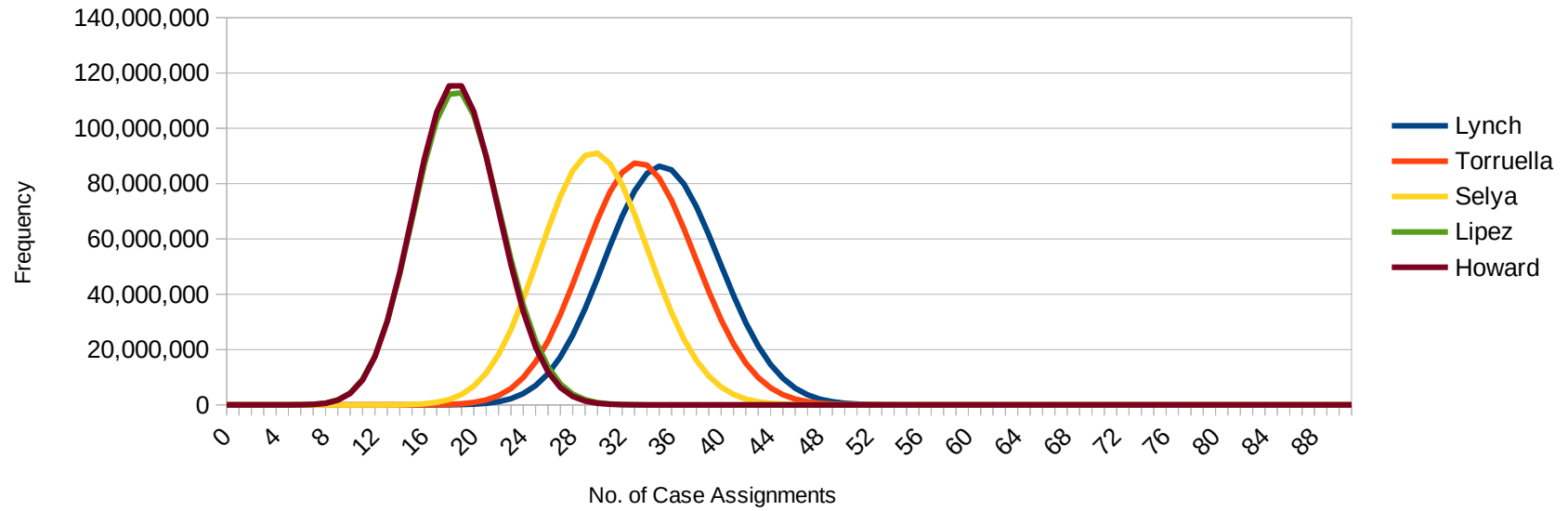
First Circuit "Harvard" and "Massachusetts" "HHS" "DCF" & DDS-type Case Assignments
Expected Freq. Distr.
(One Billion Simulations)

First Circuit "HHS"-type Case Assignments Expected Freq. Distr., Attachm. 26

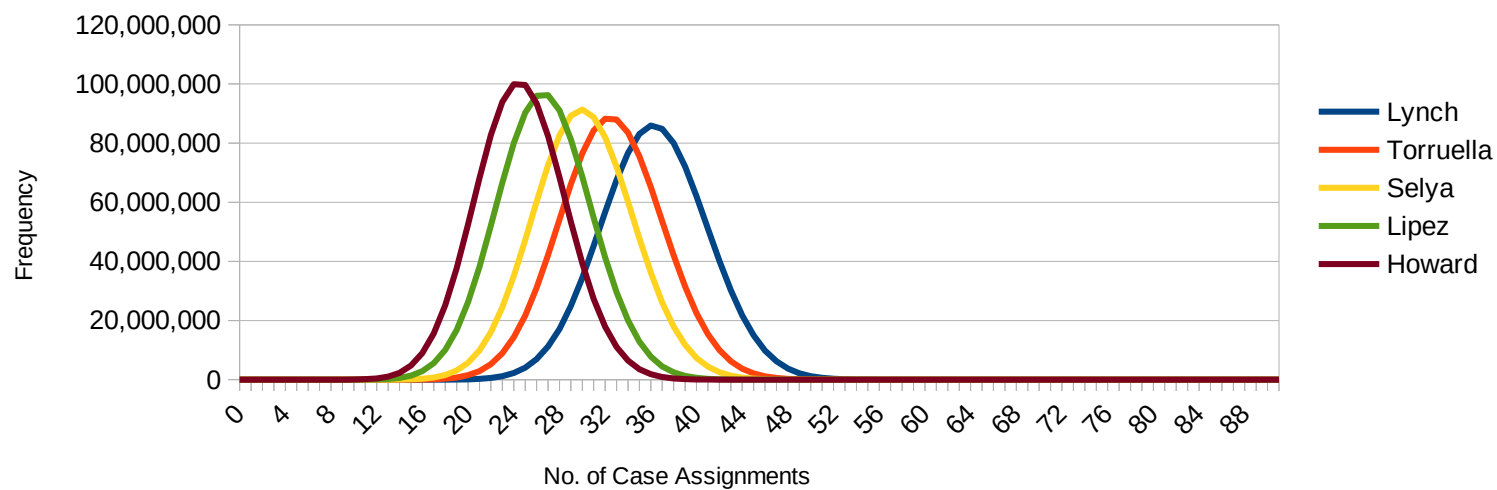First Circuit "HHS"-type Case Assignments Expected Freq. Distr.

(One Billion Simulations)

First Circuit "DCF"-type Case Assignments Expected Freq. Distr., Attachm. 27

First Circuit "DCF"-type Case Assignments Expected Freq. Distr.

(One Billion Simulations)

First Circuit "HHS" and "DCF"-type Case Assignments Expected Freq. Distr., Attachm. 28

First Circuit "HHS" and "DCF"-type Case Assignments Expected Freq. Distr.

(One Billion Simulations)