

Robert-John:Foti  
General Delivery  
Woodacre, [94973]  
California

Joe Neufeld  
General Delivery  
Mission San Rafael Station [94902]  
California

Ken Augustine  
53 Mark Drive  
San Rafael [94903]  
California

In their own Stead<sup>1</sup>  
Sovereign-State-Parties

**FILED**

NOV 09 2004

RICHARD W. WIEKING  
CLERK U.S. DISTRICT COURT,  
NORTHERN DISTRICT OF CALIFORNIA

UNITED-STATES-DISTRICT-COURT  
NORTHERN-DISTRICT OF CALIFORNIA

Robert-John:Foti as to Counts 1- )  
46 )  
Joe Neufeld as to counts 2,5-8, )  
10,11,14 )  
Ken Augustine as to counts 5-7, )  
10,11,21,39,40,41-46 )  
Plaintiffs<sup>2</sup>, )  
v. )  
Officer McHugh and other unknown )  
number of unnamed officers of the )  
U.S. Marshall's Service and the )  
Federal Protective Services )  
U.S. Marshall's Service )  
Federal Protective Services )  
(John-Doe: 1-100) )  
Respondents. )

CASE-NO:

CV-04-2507 PSH

Layman's  
Complaint on  
Biven's Action.  
Conspiracy  
For False Arrest,  
Assault and Battery,  
Kidnapping,  
Denial of Due Process,  
Denial of Fundamental Rights  
FIRST AMENDED COMPLAINT  
  
Immediate Emergency Hearing  
requesting Injunctive Relief  
requested  
  
Because of immense importance  
THREE JUDGE PANEL DEMANDED  
  
Trial by Jury Demanded

<sup>1</sup> We are not attorneys. I should not be held to the same standard as an attorney and does request from this court an honest judgment. I trust any deficiencies and imperfections that may be contained herein will be liberally construed as the law favors form less than substance. This document is prepared without the assistance of counsel and is subject to whatever corrections are found necessary if and when the court so recommends.

<sup>2</sup> The court said in Pike v. Dickson, 9 Cir. 323 F.2d. 856, at 857: "Chief Judge Sobeloff in United States v. Glass, 4 Cir., 317 F.2d 200, 202 said as follows: 'Where the laymen's papers clearly show what he is driving at, it is usually in the interest of justice and

## JURISDICTION

1. This Court has original jurisdiction of the case by virtue of U. S. C. Title 28, Section 1331. This Court has original jurisdiction of the case by virtue of U. S. C. Title 28, Section 1332. The case arises under the First, Fourth, Fifth, Ninth, Thirteenth and Fourteenth Amendments to the Constitution of the United States of America. See also *Bivens v 6 Unknown Narcotics Agents*, 403 U.S. 388. The Individual officers are sued in their individual capacity.
2. This Court also has original jurisdiction of the case by virtue of U. S. C. Title 28, Section 1343. Plaintiff seeks declaratory and injunctive relief in redress of rights by U. S. C. Title 42, Section 1986 for violations of Title 42, Section 1983. U.S. Marshall's Service and the Federal Protective Services acting under State law (demanding State I.D.), in a State (California), demanding people have a State issued photo I.D. are acting under color of State Law. This court has pendent jurisdiction for any State law claims.
3. The court has a duty as to complaints, "... a complaint should not be dismissed merely because a plaintiff's allegations do not support the particular legal theory he advances, for the court is under a duty to examine the complaint to determine if the allegations provide for relief on any possible theory." [478 U.S. 186, 202] *Bramlet v. Wilson*, 495 F.2d 714, 716 (CA8 1974); see *Parr v. Great Lakes Express Co.*, 484 F.2d 767, 773 (CA7 1973); *Due v. Tallahassee Theaters, Inc.*, 333 F.2d 630, 631 (CA5 1964); *United States v. Howell*, 318 F.2d 162, 166 (CAL9 1963); 5

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may in the long run save time to temper the reading of the papers with a measure of tolerance.' This court has applied the same rule of construction of a layman's pleadings in *Thomas v. Teets*, 9 Cir. 205 F.2d 236,238. Note 1: 'Thomas' application being drawn by an inexperienced layman is to be construed to give its allegations effect, though inartfully drawn. *Darr v. Burford*, 339 U.S. 200, 203, 70 S.Ct. 587, 94 L.Ed. 761; *Price v. Johnston*, 334 U.S. 266, 292, 68 S.Ct. 1049, 92 L.Ed. 1356'' 370 F.2d. at 40 (1966)

C. Wright & A. Miller, Federal Practice and Procedure 1357, pp. 601-602 (1969); see also Conley v. Gibson, 355 U.S. 41, 45-46 (1957). *Bowers v Hardwick*, 478 US 186 (1986) Blackmun, Brennan, Marshall and Stevens, dissenting. [Emphasis mine]

#### **Explanation of the case**

4. Paragraphs 1-3 are incorporated herein as though fully set out herein.

5. On May 21, 2004, at approximately 20 minutes before 9:00a.m. Joe Neufeld and Robert-John:Foti, showed up for a court hearing in case No. C-00-4783SI at the Federal Courthouse on 450 Golden Gate Avenue in San Francisco. Robert-John:Foti is prosecuting a case there. Joe Neufeld was going to observe my pre-trial proceedings. Ken Augustine, who was also there to observe my pre-trial proceedings, arrived right after Joe and I walked past the Marshall demanding identification.

6. We walked in and when confronted with the demand to produce State issued picture identification, we responded that we possessed no such identification. We placed belongings on the conveyer belt of the x-ray machine and proceeded through the metal detector. We set off no alarms and nothing dangerous was detected by x-ray. We had, before the incident, requested an Administrative Hearing on this matter with the U.S. Marshall's Service explaining the situation, which they received immediately by Fax, and by mail on May 10, 2004. See Exhibit A attached hereto and made a part hereof by this reference. We received no reply to the letter. In good faith, we gave them an opportunity to avoid this very incident in an effort to mitigate damages. We didn't expect this answer in this form of force and despotism. But, it seems that, more and more, this exemplifies the way our public servants answer their

master's legitimate grievances. It was not the first time notice had been sent to the Marshals as Joe Nuefeld had sent a letter on May 22, 2002, complaining about the same behavior. See Exhibit B attached hereto and made a part hereof by this reference. At the outset of Plaintiff Foti's case in front of Illston, there was no requirement to show government ID.

7. The Marshals present started yelling at us to step back<sup>3</sup>. Plaintiff Foti did not comply because he had the right to be where he was<sup>4</sup>. Plaintiffs consider the demand to produce a State issued ID to be unlawful for the reasons following. First, we know of no law that compels having a Government issued picture ID in the State of California or anywhere in America for that matter, nor do we know of any Federal law that requires having a picture ID, especially to merely gain access to a public building here in America. Federal officers cannot surreptitiously create or enforce a non-existent requirement to have a government issued ID by punishment when no underlying law requires such. The executive branch of government has no law making authority. If the Marshals can punish someone by refusing their entry into the public courts and buildings, for not having ID it is the same as compelling someone to have ID, and constitutes defacto law enforcement of something not required by law. Second, we know of no authorization for federal officers to even ask for a State issued picture ID

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<sup>3</sup> A restriction of their "liberty of movement," constituted an arrest. *Henry v. United States*, 361 U.S. 98, 103, 80 S.Ct. 168, 4 L.Ed.2d 134 (1959)

<sup>4</sup> "It is said to be the right of the citizen of this great country, protected by implied guarantees of its Constitution, "to come to the seat of government to assert any claim he may have upon that government, to transact any business he may have with it, to seek its protection, to share its offices, to engage in administering its functions. He has the right of free access to its seaports, through which all operations of foreign commerce are conducted, to the sub-treasuries, land offices, and courts of justices in the several states. ... The rights to peaceably assemble and petition for redress of grievances, the privilege of the writ of habeas corpus, are rights of the citizen guaranteed by the federal Constitution." *Crandall v Nevada*, 6 Wallace 35 or 73 US 35 (1868) [Emphasis added]

Due Process protects the right of access to the courts, *TENNESSEE v. LANE et al*, certiorari to the United States court of appeals for the sixth circuit No. 02-1667. Argued January 13, 2004--Decided May 17, 2004.

and know of no requirement to show them one to enter a public courthouse in which we are prosecuting a case, even if we had it. State IDs are outside the Federal venue and authority. Third, any requirement that the people cannot anonymously<sup>5</sup> attend and observe court, at will, in order to monitor our servant's acts in furtherance of the people's business, would certainly chill the right to monitor government if not eventually give the government the ability to destroy it completely by knowing who is apt to monitor them and then, in turn, persecute them and/or deny them access. In fact, this has already happened. Joe Neufeld and Ken Augustine present as observers wishing to view my action as witnesses of any wrongdoing, if wrongdoing occurred, were refused entry on the day in question for not having ID. Witnesses are favorable in case redress of grievances must be instituted to remedy a wrong committed by a judge and is a basic tenet of the right to association<sup>6</sup>. Basic Constitutional guarantees like the right of access to the courts, as are here at issue, are infringements of which are subject to heightened judicial scrutiny. See, e.g., Dunn v. Blumstein, 405 U.S. 330, 336-337. Plus, there is an x-ray machine at the entrance, which scans any possessions, and there is a metal detector in which you have to be magnetically naked in order to pass through without raising alarm. Asking for a State issued picture ID is superfluous. It is no more than officials forcing people to think that an ID is required by implied

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<sup>5</sup> A federal witness has a right to anonymity.

<sup>6</sup> The First Amendment provides, "Congress shall make no law \* \* \* abridging \* \* \* the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." From these words, the United States Supreme Court has recognized a right of association. *Roberts v. United States Jaycees* (1984), 468 U.S. 609, 617-618, 104 S. Ct. 3244, 3249, 82 L. Ed. 2d 462, 471. This right of association encompasses two distinct types of freedoms.

The second type of freedom is the right to associate for the purpose of engaging in expressive activity protected by the First Amendment. *Stanglin*, [\*425] 490 U.S. at 24, 109 S. Ct. at 1595, 104 L. Ed. 2d at 25. This includes rights of free speech, assembly, petition for the redress of grievances, and the exercise of religion. *Id.*

force of an apparent authority of government placed officials asking for it. They are cloaked with officialdom. They act like they are making a lawful demand. Very few will question it. In this setting, it is coercive. It leads to tyranny under cloak of officialdom. It may be said, like the defendants allude to, 9:11 and terrorism is the reason for heightened security. But, the road to Tyranny is paved with good intentions. It is especially egregious for this reason. The good sought in unconstitutional legislation [or rule making] is an insidious feature, because it leads citizens and legislators of good purpose to promote it, without thought of the serious breach it will make in the ark of our covenant, or the harm which will come from breaking down recognized standards. Cite omitted. It seems to be a play right out of Hitler's regime playbook; Tell a lie long enough and it becomes the truth. Are we under the Napoleonic Code of Law were you're a terrorist until you prove you are not; presumed guilty until you prove yourself innocent? Fourth, One has in every facet of ones life the Right to be anonymous<sup>7</sup>. It denies the Right to be anonymous if he continually had to answer to, "Who are you?" Fifth, the law cannot compel the impossible. We do not have, nor do we desire to have the "papers" defendants want to see. Our body is *prima facie* evidence we exist. We do not need government validation for this. We are who we say we are. Possessing "government papers" is no legitimate authority and when compelled has, historically, always lead to tyranny against the People. There should be no doubt we are not lying, without reasonable suspicion to the contrary on the defendants' parts. There is no such thing as pre-crime law enforcement in this nation ... is there? One is still

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<sup>7</sup> The enumeration in the Constitution, of certain Rights, shall not be construed to deny or disparage others retained by the People. Ninth Article of Amendment to the Constitution for the United States of America.

innocent until proven guilty ... aren't they? One having done nothing wrong, is still not answerable to the State ... are they<sup>8</sup>

8. At some point, the Marshals present, whose number and identities are unknown to me at this time, called in and acted in concert with the Federal Protective Services to enforce their orders<sup>9</sup>. Sergeant McHugh, along with an unknown number of other officers from the Federal Protective Services whose identities are, at present, unknown to us<sup>10</sup>, stated Plaintiff Foti disobeyed an official order and ordered him to leave. When pressed for the supposed order that Plaintiff Foti disobeyed, Sergeant McHugh admitted that it was the order to produce State issued picture ID. From a previous encounter with Sergeant McHugh, he stated he knew of no law requiring possession of a state issued picture ID. He made the statement on said previous encounter, and, again, on May 21, he said that it was some rule or regulation from the Department of Homeland Security that required the Marshall's requirement to see an ID, issued by the State with a picture on it, not any law. When asked, no one would produce such rule. Nor could there be such a law, here in America, unless the foundational law of this Nation has been altered fundamentally. The icing on the cake is this: At the end of the incident, after Plaintiff Foti told him he was going to sue him, Plaintiff Foti asked Officer McHugh why did he come and do the

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<sup>8</sup> The individual may stand upon his Constitutional Rights as a Citizen. He is entitled to carry on his private business in his own way. He owes no duty to the State or to his neighbors to divulge his business, ... He owes nothing to the public so long as he does not trespass upon their rights. *Hale v Henkel*, 201 US 43, 74-75.

<sup>9</sup> In *McAlmond v. Trippel*, 93 Cal. App. 584, 269 P. 937, it was held (quoting from the syllabus): "In an action for false imprisonment and malicious arrest, the allegations of plaintiff's complaint that several defendants, without process or commitment or legal authority of any kind whatsoever, arrested and imprisoned the plaintiff were sufficient, without alleging a conspiracy to arrest the plaintiff, or the definite part each defendant performed. See, also, *Burton v Drennan*, 332 Mo. 512, 58 S.W.2d 740. *Kaufman v Brown*, 209 P.2d 156.

<sup>10</sup> Some would not identify themselves or wore no nametags. There are too many to remember all their names.

Marshall's dirty work when they called, why did not the Marshals do what the protective services did? He stated it was because they (the Federal Protective Services), "were the enforcers", confirming the conspiracy. Defendants' statements confess they acted with malice and negligence; unless Homeland Security admit the foundational law of this Nation has been altered fundamentally in order to allow such a thing. Is the Department of Homeland Security vested with law-making authority?

9. When Plaintiff Foti declined to obey the unlawful order to leave, sergeant McHugh without warning reached out and took his arm putting it in a wristlock control hold. By restraint now, he, painfully, no longer had freedom of movement. I denied him permission to touch me rather loudly and that he had no authority or reason to touch Plaintiff Foti. He ignored the protests and assaulted and battered Plaintiff Foti anyway. Plaintiff Foti was in his physical restraint without a warrant, probable cause, or any lawful reason whatsoever. I broke no laws. He, along with other officers, forced Plaintiff Foti from a place he had a right to be to a place he had no desire to be, outside to the street. Plaintiff Foti did not have his shoes on as they were placed on the x-ray machine. McHugh physically, by force, took Plaintiff Foti from a place he had a right to be, prohibited him to go unimpeded to a place he wanted to go and took him to a place he didn't want to be and made him stay there<sup>11</sup> by surrounding him with other officers. Not one of the other officers or Marshals tried to stop this unlawful arrest, assault and battery, kidnapping and false imprisonment. They were all complicit in the act most assisting outright. During this time of assault upon him,

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<sup>11</sup> The Common Law affirms if you are in a place you have a right to be, and you perceive a threat, you can counter that perceived threat with force, you can stand your ground, you have no duty to flee.

Plaintiff Foti kept yelling at Sergeant McHugh to charge him with something. Sergeant McHugh wouldn't do it and there was no probable cause to charge him with any crime. All the officers and Marshals are culpable for their acts. Not having to identify yourself is well recognized in this circuit. They all knew or should have known they were violating clearly established Liberty Rights<sup>12</sup>. Not only was I not obligated to identify myself; my actions were constitutionally protected. There is no reason to assault and arrest me (restrain my Liberty of movement) in this case. It could not be for reason of a crime in demand of providing any identification, as there weren't any crime. And if there was a crime, even suspects still can't be compelled to "furnish a link in the chain of evidence" if identifying themselves would then furnish information that without it, officers would not know what to charge me with. Then would Plaintiff Foti have to say anything? He would have the right to remain silent. The officers and marshals must find out relevant facts of any crime, if any, by their own independent investigation, not from the mouth of the accused. *Miranda v Arizona*, 384 U.S. 436 (1966). Any law or rule providing arrest for not providing a State issued picture ID is unconstitutional. *Carey*, supra. The Officers and Marshals forced us to call a clerk in order to escort us into court, making us dependent on another to exercise a right. Ken Augustine and Joe Neufeld were, ultimately, not allowed to proceed to the courtrooms, their Rights being completely and denied. The event lasted approximately 20 minutes for Plaintiff Foti.

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<sup>12</sup> Forcing one to identify oneself or arresting one for not identifying is "so grossly and flagrantly unconstitutional that any person of reasonable prudence would be bound to see its flaws" (*Florida v. Royer*, 460 U.S. 491, 497 (1983) (person approached pursuant to Terry "need not answer any question put to him [and] may decline to listen to the questions at all and may go on his way")) *Carey v Nevada Gaming Authority, et al*, 279 F.3d 873

10. Plaintiff Foti foresees problems in getting in to the courthouse in order to file this suit. Historically, damages have been regarded as the ordinary remedy for an invasion of personal interests in liberty. See *Nixon v. Condon*, 286 U.S. 73 (1932); [403 U.S. 388, 396] *Nixon v. Herndon*, 273 U.S. 536, 540 (1927); *Swafford v. Templeton*, 185 U.S. 487 (1902); *Wiley v. Sinkler*, 179 U.S. 58 (1900); J. Landynski, *Search and Seizure and the Supreme Court* 28 et seq. (1966); N. Lasson, *History and Development of the Fourth Amendment to the United States Constitution* 43 et seq. (1937); Katz, *The Jurisprudence of Remedies: Constitutional Legality and the Law of Torts in Bell v. Hood*, 117 U. Pa. L. Rev. 1, 8-33 (1968); cf. *West v. Cabell*, 153 U.S. 78 (1894); *Lammon v. Feusier*, 111 U.S. 17 (1884)

#### **Ongoing Violations**

11. Paragraphs 1-10 are incorporated herein as though fully set out herein.

12. On July 9, 2004, between 8:45 a.m. and 9:30 a.m., Plaintiff Foti was kept out of the courtroom where he was ordered to be for a hearing while the clerks and the Marshall's played games by telling him the other is responsible for his servitude to them in the form of escorting him to the courtroom. Each of them when contacted would tell us that the other would escort us (involuntary servitude) and that is to whom we should be talking. We would call the clerk and either get an answering machine, or a clerk would tell us a marshal should escort us. The Marshals would tell us that that was wrong, they do not escort anyone, call the clerk again, and around and around. We were like dogs chasing their tail, with these insolent servants. This happens every time we attempt entry. The Marshals involved in these incidents, who at times, refused

to identify themselves, are unknown to us at this time. It is disgusting that the public servants of the people, who always were required to identify themselves historically, now don't, and now they demand identification from us to enter a court then sanction us if we do not. This is wrong.

13. On June 25, 2004, between approximately 1:30 p.m. and 3:00 p.m., I, Plaintiff Foti attempted to file this case and was refused entry. The clerk and the marshals refused to "escort" me to the clerk's office. The only reason this case got filed is because a nineteen year old with me was forced to act as a go between. This is unacceptable to me.

14. On Sep. 10, 2004, at approximately 11:00 a.m., I, Plaintiff Foti, attempted to access the Clerk's Office in order to secure subpoenas for discovery in case number C 00-4783 SI. I was alone and was denied access. The Marshals and clerks involved in this incident are unknown to me at this time.

15. On Sep. 24, 2004, at 8:45 a.m. to 9:30 a.m., Plaintiff, Robert-John:Foti was denied access to a hearing in his case in front of Judge Illston. No one would escort him (a state of involuntary servitude) to the courtroom. The most insulting thing is that for both hearings of June 25, and this one, Plaintiff Foti found out what happened from the opposing counsel when he caught the opposition attorney leaving the building. The opposition attorney had what were two ex-parte hearings with, Judge Illston, of which Plaintiff Robert-John:Foti was not privy to. This is not proper and must be a violation of due process in that a Plaintiff cannot attend his own case. At this hearing on the 24th, Foti, as the Plaintiff, was going to and was prevented from formally objecting in person to the fact that the marshals were preventing me from prosecuting my case by preventing me from getting subpoenas from the

prevented from formally objecting in person to the fact that the marshals were preventing me from prosecuting my case by preventing me from getting subpoenas from the clerk. Now defendants are bringing a completely premature summary judgment motion. Were defendants told to do this by the judge at the hearing on July 9th? The Marshals involved in this incident are unknown to us at this time. With his opposition to the motion for Summary Judgment, Plaintiff Robert-John:Foti filed on Oct 13, 2004, a formal objection, WHICH HAS BEEN IGNORED APPERANTLY. See Exhibit C attached hereto and made a part hereof by this reference.

16. On Nov. 4, 2004, at approximately 8:45 a.m. and 9:30 a.m. Plaintiffs Robert-John:Foti, who was at the courthouse for an ordered hearing in case number C 00-4873 SI, and Ken Augustine, there to witness the proceedings, were denied our Rights in the same manner aforementioned. Marshall Adele (sp?) came from behind his station, put his hands on both of us in order to push us from the courthouse for not producing "papers." When told to take his hands off of us, he abated his assault, but he assaulted us nonetheless. No one would take us into court and again Plaintiffs found out from the defense attorney, Wifred Fong, his version of what went on. It was a Summary Judgment hearing, which Plaintiff Robert-John Foti was not allowed to prosecute. It was the third such ex-parte hearing between Attorney Fong and Judge Illston. Judge Illston, unless she is psychic could not possibly know what I had to say at the customary oral comments allowed before ruling because she would not hear me. Basically she is conducting the case without me. Neither the clerks nor the Marshals bothered to escort us in and Judge Illston would not enforce her order for Plaintiff Foti to be there.

### **Conspiracy**

17. Paragraphs 1-16 are incorporated herein as though fully set out herein.

18 It is now CONCLUSIVE by the facts that Judge Illston, State Attorney General Wilfred Fong, the Clerks, Marshals and Federal Protective Services are conspiring together against the Rights and Privileges of the Plaintiffs.

19. Wherefore, defendants continue to "do more" than merely ask for identification ("official papers") from law-abiding people illegally and contrary to well established law<sup>13</sup>, they sanction law-abiding people for not producing them; the fact Plaintiffs do not have any such thing is notwithstanding to them. As a result, we have been harmed and the harm, which is irreparable<sup>14</sup>, is a direct or proximate result of Respondents acts and crimes in violation of clearly established law and therefore we bring this suit. See also cases cited in defendant's motion to dismiss the original complaint for ratification of our position.

20. This amended complaint incorporates all pleadings, documents, and evidence filed in this action.

21. As damages are ongoing and as soon as Plaintiff Augustine and Neufeld verify their dates and times they suffered damages in the cases they are prosecuting, we reserve the Right to further amend this complaint.

#### Count 1

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<sup>13</sup> See also, *Hibel v Sixth Judicial Dist. Court of Nevada*, \_\_\_ U.S. \_\_\_, 124 S.Ct. 2451 (2004). This case makes no exception for "security checkpoints." 4th Amendment.

<sup>14</sup> A deprivation of a constitutional right is looked upon as an irreparable injury. See *Brewer v. The West Irondequoit Central School District*, 32 F. Supp.2d 619,625 (1999), to wit: "When an alleged deprivation of a constitutional right is involved, most courts hold that no further showing of irreparable injury is necessary." *Bery v. City of New York*, 97 F.3d 689, 694 (2d Cir.1996) (quoting 11 Charles A. Wright & Arthur R. Miller, *Federal Practice and Procedure* § 2948, at 440 (1973)), cert. denied, 520 U.S. 1251, 117 S.Ct. 2408, 138 L.Rd.2d 174 (1997); accord *Mitchell v. Cuomo*, 748 F.2d 804, 806 (2d Cir.1984); See also, *Scelsa v. City Univ. of New York*, 806 F.Supp. 1126, 1135 (S.D.N.Y.1992) ("The law in this Circuit is that a constitutional deprivation constitutes per se irreparable harm"); *Gour v. Morse*, 652 F.Supp. 1166, 1173 (D.Vt.1987) ("Constitutional rights are so basic to our society that their deprivation is almost by definition irreparable"). In addition, "it is the alleged violation of a constitutional right that triggers a finding of irreparable harm." *Jolly*, 76 F.3d at 482.

22. Paragraphs 1-21 are incorporated herein as though fully set out herein.

23. On May 21, 2004, Respondent McHugh, in concert and agreement with each other marshal or officer present, assaulted and battered Robert-John:Foti, without his consent and, in fact, contrary to his demands they not touch him, all with no reason or lawful authority whatsoever in violation of State law.

**Count 2**

24. Paragraphs 1-23 are incorporated herein as though fully set out herein.

25. On May 21, 2004, Respondent McHugh, in concert and agreement with each other marshal or officer present, falsely arrested and imprisoned Joe Neufeld and Robert-John:Foti, restricting their freedom of movement by not allowing them to proceed further into the building, without lawful cause whatsoever in violation of the Fourth Article of Amendment to the Constitution for the United Sates of America.

**Count 3**

26. Paragraphs 1-25 are incorporated herein as though fully set out herein.

27. On May 21, 2004, Respondent McHugh, in concert and agreement with each other marshal or officer present, kidnapped Robert-John:Foti by forcibly taking him from the courthouse to the street without his consent.

**Count 4**

28. Paragraphs 1-27 are incorporated herein as though fully set out herein.

29. On May 21, 2004, Respondent McHugh, in concert and agreement and no dissent with each other Marshal or Officer present, falsely imprisoned Robert-John:Foti in that they surrounded him on the street and held him there for a

significant amount of time in violation of the Fourth Article of Amendment to the Constitution for the United States of America.

**Count 5**

30. Paragraphs 1-29 are incorporated herein as though fully set out herein.

31. On May 21, 2004, Respondent McHugh, in concert and agreement and no dissent with each other Marshal or Officer present, denied Joe Neufeld, Ken Augustine and Robert-John:Foti Due Process in that they denied them the Right to Access a court in violation of the Fifth, and Fourteenth Articles of Amendment to the Constitution for the United States of America.

**Count 6**

32. Paragraphs 1-31 are incorporated herein as though fully set out herein.

33. On May 21, 2004, Respondent McHugh, in concert and agreement and no dissent with each other Marshal or Officer present, placed Joe Neufeld, Ken Augustine and Robert-John:Foti in a state of involuntary servitude by making us dependent on another for escort into the courts in violation of the Thirteenth Article of Amendment to the Constitution for the United States of America.

**Count 7**

34. Paragraphs 1-33 are incorporated herein as though fully set out herein.

35. On May 21, 2004, Respondent McHugh, in concert and agreement and no dissent with each other Marshal or Officer present, denied Joe Neufeld, Ken Augustine and Robert-John:Foti freedom of association in violation of the First Article of Amendment to the Constitution for the United States of America.

**Count 8**

36. Paragraphs 1-35 are incorporated herein as though fully set out herein.

37. On May 21, 2004, Respondent McHugh, in concert and agreement and no dissent with each other Marshal or Officer present, subjected Joe Neufeld and Robert-John:Foti to an unlawful search by demanding they produce "papers" when they had no reasonable suspicion of a crime being committed and then sanctioning us for not producing such by unlawfully and falsely arresting them (restricting the liberty of movement) to prevent their access to the federal court in violation of the Fourth Article of Amendment to the Constitution for the United States of America.

**Count 9**

38. Paragraphs 1-37 are incorporated herein as though fully set out herein.

39. On May 21, 2004, Respondent McHugh, in concert and agreement and no dissent with each other Marshal or Officer present, obstructed justice in that they prevented Robert-John:Foti to enter the court while under court order to be there by Judge Illston for the purpose of prosecuting a case in violation of Title 18, § 1509, a crime.

**Count 10**

40. Paragraphs 1-39 are incorporated herein as though fully set out herein.

41. On May 21, 2004, Respondent McHugh, in concert and agreement and no dissent with each other Marshal or Officer present, denied the right to petition for redress of grievances<sup>15</sup> by keeping Plaintiffs out of the courts where there are cases being prosecuted by them in violation of the First Article of Amendment to the Constitution for the United States of America.

**Count 11**

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<sup>15</sup> How convenient, can't petition if you can't get in. Another Right bites the dust.

42. Paragraphs 1-41 are incorporated herein as though fully set out herein.

43. On May 21, 2004, at the times aforementioned, Respondent McHugh, in concert and agreement and no dissent with each other Marshal or Officer present, falsely arrested Joe Neufeld and Robert-John:Foti, by restricting their freedom of movement by not allowing them to proceed further into the building, without lawful cause whatsoever in violation of the Fourth Article of Amendment to the Constitution for the United Sates of America.

**Count 12**

44. Paragraphs 1-43 are incorporated herein as though fully set out herein.

45. On July 9, 2004, at the times aforementioned, an unknown number of Respondent Does, who were on duty, in concert and agreement and no dissent with each other Marshal or Officer present, denied Robert-John:Foti Due Process in that they denied his Right to Access the courts in violation of the Fifth, and Fourteenth Articles of Amendment to the Constitution for the United States of America.

**Count 13**

46. Paragraphs 1-45 are incorporated herein as though fully set out herein.

47. On July 9, 2004, at the times aforementioned, an unknown number of Respondent Does, who were on duty, in concert and agreement and no dissent with each other Marshal or Officer present, placed Robert-John:Foti in a state of involuntary servitude by making us dependent on another for escort into the courts in violation of the Thirteenth Article of Amendment to the Constitution for the United States of America.

**Count 14**

48. Paragraphs 1-47 are incorporated herein as though fully set out herein.

49. On July 9, 2004, at the times aforementioned, an unknown number of Respondent Does, who were on duty, in concert and agreement and no dissent with each other Marshal or Officer present, Ken Augustine and Robert-John:Foti freedom of association in violation of the First Article of Amendment to the Constitution for the United States of America.

**Count 15**

50. Paragraphs 1-49 are incorporated herein as though fully set out herein.

51. On July 9, 2004, at the times aforementioned, an unknown number of Respondent Does, who were on duty, in concert and agreement and no dissent with each other Marshal or Officer present, subjected Robert-John:Foti to an unlawful search by demanding we produce "papers" when they had no reasonable suspicion of a crime being committed and then sanctioning him for not producing such by unlawfully and falsely arresting him (restricting the liberty of movement) to prevent his access to the federal court in violation of the Fourth Article of Amendment to the Constitution for the United States of America.

**Count 16**

52. Paragraphs 1-51 are incorporated herein as though fully set out herein.

53. On July 9, 2004, at the times aforementioned, an unknown number of Respondent Does, who were on duty, in concert and agreement and no dissent with each other Marshal or Officer present, obstructed justice in that they prevented Robert-John:Foti, who was under court order to be there by Judge Illston, to enter the court for the purpose

of prosecuting a case in violation of Title 18, § 1509, a crime.

**Count 17**

54. Paragraphs 1-53 are incorporated herein as though fully set out herein.

55. On July 9, 2004, at the times aforementioned, an unknown number of Respondent Does, who were on duty, in concert and agreement and no dissent with each other Marshal or Officer present, denied the right to Petition for Redress of Grievances by keeping Robert-John:Foti out of the court where there are cases being prosecuted by them in violation of the First Article of Amendment to the Constitution for the United States of America.

**Count 18**

56. Paragraphs 1-55 are incorporated herein as though fully set out herein.

57. On July 9, 2004, at the times aforementioned, an unknown number of Respondent Does, who were on duty, in concert and agreement with each other marshal or officer present, falsely arrested Robert-John:Foti, restricting his freedom of movement by not allowing him to proceed further into the building, without lawful cause whatsoever in violation of the Fourth Article of Amendment to the Constitution for the United Sates of America.

**Count 19**

58. Paragraphs 1-57 are incorporated herein as though fully set out herein.

59. On July 25, 2004, at the times aforementioned, an unknown number of Respondent Does, who were on duty, in concert and agreement and no dissent with each other Marshal or Officer present, denied Robert-John:Foti Due Process in that they denied his Right to Access the courts in violation of the Fifth, and Fourteenth Articles of

Amendment to the Constitution for the United States of America.

**Count 20**

60. Paragraphs 1-59 are incorporated herein as though fully set out herein.

61. On July 25, 2004, at the times aforementioned, an unknown number of Respondent Does, who were on duty, in concert and agreement and no dissent with each other Marshal or Officer present, placed Robert-John:Foti in a state of involuntary servitude by making us dependent on another for escort into the courts in violation of the Thirteenth Article of Amendment to the Constitution for the United States of America.

**Count 21**

62. Paragraphs 1-61 are incorporated herein as though fully set out herein.

63. On July 25, 2004, at the times aforementioned, an unknown number of Respondent Does, who were on duty, in concert and agreement and no dissent with each other Marshal or Officer present, Ken Augustine and Robert-John:Foti freedom of association in violation of the First Article of Amendment to the Constitution for the United States of America.

**Count 22**

64. Paragraphs 1-63 are incorporated herein as though fully set out herein.

65. On July 25, 2004, at the times aforementioned, an unknown number of Respondent Does, who were on duty, in concert and agreement and no dissent with each other Marshal or Officer present, subjected Robert-John:Foti to an unlawful search by demanding we produce "papers" when they had no reasonable suspicion of a crime being committed and then sanctioning him for not producing such by

unlawfully and falsely arresting him (restricting the liberty of movement) to prevent his access to the federal court in violation of the Fourth Article of Amendment to the Constitution for the United States of America.

**Count 23**

66. Paragraphs 1-65 are incorporated herein as though fully set out herein.

67. On July 25, 2004, at the times aforementioned, an unknown number of Respondent Does, who were on duty, in concert and agreement and no dissent with each other Marshal or Officer present, obstructed justice in that they prevented Robert-John:Foti, who was under court order to be there by Judge Illston, to enter the court for the purpose of prosecuting a case in violation of Title 18, § 1509, a crime.

**Count 24**

68. Paragraphs 1-67 are incorporated herein as though fully set out herein.

69. On July 25, 2004, at the times aforementioned, an unknown number of Respondent Does, who were on duty, in concert and agreement and no dissent with each other Marshal or Officer present, denied the right to Petition for Redress of Grievances by keeping Robert-John:Foti out of the court where there are cases being prosecuted by them in violation of the First Article of Amendment to the Constitution for the United States of America.

**Count 25**

70. Paragraphs 1-69 are incorporated herein as though fully set out herein.

71. On July 25, 2004, at the times aforementioned, an unknown number of Respondent Does, who were on duty, in concert and agreement with each other marshal or officer present, falsely arrested Robert-John:Foti, restricting his

freedom of movement by not allowing him to proceed further into the building, without lawful cause whatsoever in violation of the Fourth Article of Amendment to the Constitution for the United Sates of America.

**Count 26**

72. Paragraphs 1-71 are incorporated herein as though fully set out herein.

73. On Sep. 10, 2004, at the time aforementioned, an unknown number of Respondent Does, who were on duty, in concert and agreement and no dissent with each other Marshal or Officer present, denied Robert-John:Foti Due Process in that they denied my Right to Access the courts in violation of the Fifth, and Fourteenth Articles of Amendment to the Constitution for the United States of America.

**Count 27**

74. Paragraphs 1-73 are incorporated herein as though fully set out herein.

75. On Sep. 10, 2004, at the time aforementioned, an unknown number of Respondent Does, who were on duty, in concert and agreement and no dissent with each other Marshal or Officer present, placed Robert-John:Foti in a state of involuntary servitude by making me dependent on another for escort into the courts in violation of the Thirteenth Article of Amendment to the Constitution for the United States of America.

**Count 28**

76. Paragraphs 1-75 are incorporated herein as though fully set out herein.

77. On Sep. 10, 2004, at the time aforementioned, an unknown number of Respondent Does, who were on duty, in concert and agreement and no dissent with each other Marshal or Officer present, denied Robert-John:Foti freedom

of association by preventing access in violation of the First Article of Amendment to the Constitution for the United States of America.

**Count 29**

78. Paragraphs 1-77 are incorporated herein as though fully set out herein.

79. On Sep. 10, 2004, at the time aforementioned, an unknown number of Respondent Does, who were on duty, in concert and agreement and no dissent with each other Marshal or Officer present, subjected Robert-John:Foti to an unlawful search by demanding we produce "papers" when they had no reasonable suspicion of a crime being committed and then sanctioning him for not producing such by unlawfully and falsely arresting him (restricting the liberty of movement) to prevent his access to the federal court in violation of the Fourth Article of Amendment to the Constitution for the United States of America.

**Count 30**

80. Paragraphs 1-79 are incorporated herein as though fully set out herein.

81. On Sep. 10, 2004, at the time aforementioned, an unknown number of Respondent Does, who were on duty, in concert and agreement and no dissent with each other Marshal or Officer present, denied the right of redress by keeping Robert-John:Foti out of the court for the purpose of prosecuting a case (getting subpoenas from the court clerk) in violation of the First Article of Amendment to the Constitution for the United States of America.

**Count 31**

82. Paragraphs 1-81 are incorporated herein as though fully set out herein.

83. On Sep. 10, 2004, at the times aforementioned, an unknown number of Respondent Does, who were on duty, in

concert and agreement with each other marshal or officer present, falsely arrested Robert-John:Foti, restricting his freedom of movement by not allowing him to proceed further into the building, without lawful cause whatsoever in violation of the Fourth Article of Amendment to the Constitution for the United Sates of America.

**Count 32**

84. Paragraphs 1-83 are incorporated herein as though fully set out herein.

85. On September 24, 2004, at the times aforementioned, an unknown number of Respondent Does, who were on duty, in concert and agreement and no dissent with each other Marshal or Officer present, denied Robert-John:Foti Due Process in that they denied the Right to Access the courts in violation of the Fifth, and Fourteenth Articles of Amendment to the Constitution for the United States of America.

**Count 33**

86. Paragraphs 1-85 are incorporated herein as though fully set out herein.

87. On September 24, 2004, at the times aforementioned, an unknown number of Respondent Does, who were on duty, in concert and agreement and no dissent with each other Marshal or Officer present, placed Robert-John:Foti in a state of involuntary servitude by making him dependent on another for escort (no one did) into the courts in violation of the Thirteenth Article of Amendment to the Constitution for the United States of America.

**Count 34**

88. Paragraphs 1-87 are incorporated herein as though fully set out herein.

89. On September 24, 2004, at the times aforementioned, an unknown number of Respondent Does, who were on duty, in

concert and agreement and no dissent with each other Marshal or Officer present, denied Robert-John:Foti freedom of association by keeping him from other people in the courthouse in violation of the First Article of Amendment to the Constitution for the United States of America.

**Count 35**

90. Paragraphs 1-89 are incorporated herein as though fully set out herein.

91. On September 24, 2004, at the times aforementioned, an unknown number of Respondent Does, who were on duty, in concert and agreement and no dissent with each other Marshal or Officer present, subjected Robert-John:Foti to an unlawful search by demanding we produce "papers" when they had no reasonable suspicion of a crime being committed and then sanctioning him for not producing such by unlawfully and falsely arresting him to prevent his access (restricting the liberty of movement) in violation of the Fourth Article of Amendment to the Constitution for the United States of America.

**Count 36**

92. Paragraphs 1-91 are incorporated herein as though fully set out herein.

93. On September 24, 2004, at the times aforementioned, an unknown number of Respondent Does, who were on duty, in concert and agreement and no dissent with each other Marshal or Officer present, obstructed justice in that they prevented Robert-John:Foti to enter the court for the purpose of prosecuting a case under court order to be there by Judge Illston in violation of Title 18, § 1509, a crime.

**Count 37**

94. Paragraphs 1-93 are incorporated herein as though fully set out herein.

95. On September 24, 2004, at the times aforementioned, an unknown number of Respondent Does, who were on duty, in concert and agreement and no dissent with each other Marshal or Officer present, denied the right to Petition for Redress of Grievances by keeping Robert-John:Foti out of the court where there are cases being prosecuted by him in violation of the First Article of Amendment to the Constitution for the United States of America.

**Count 38**

96. Paragraphs 1-17 are incorporated herein as though fully set out herein.

97. On Sep. 24, 2004, at the times aforementioned, an unknown number of Respondent Does, who were on duty, in concert and agreement with each other marshal or officer present, falsely arrested Robert-John:Foti, restricting his freedom of movement by not allowing him to proceed further into the building, without lawful cause whatsoever in violation of the Fourth Article of Amendment to the Constitution for the United Sates of America.

**Count 39**

98. Paragraphs 1-97 are incorporated herein as though fully set out herein.

99. On Nov 4, 2004, an unknown number of Respondent Does, who were on duty, in concert and agreement and no dissent with each other Marshal or Officer present, denied Ken Augustine and Robert-John:Foti Due Process in that they denied them the Right to Access a court in violation of the Fifth, and Fourteenth Articles of Amendment to the Constitution for the United States of America.

**Count 40**

100. Paragraphs 1-99 are incorporated herein as though fully set out herein.

101. On Nov 4, 2004, an unknown number of Respondent Does, who were on duty, in concert and agreement and no dissent with each other Marshal or Officer present, placed Ken Augustine and Robert-John:Foti in a state of involuntary servitude by making us dependent on another for escort (no one ever showed up) into the courts in violation of the Thirteenth Article of Amendment to the Constitution for the United States of America.

**Count 41**

102. Paragraphs 1-101 are incorporated herein as though fully set out herein.

103. On Nov 4, 2004, an unknown number of Respondent Does, who were on duty, in concert and agreement and no dissent with each other Marshal or Officer present, denied Ken Augustine and Robert-John:Foti freedom of association in violation of the First Article of Amendment to the Constitution for the United States of America.

**Count 42**

104. Paragraphs 1-103 are incorporated herein as though fully set out herein.

105. On Nov 4, 2004, an unknown number of Respondent Does, who were on duty, in concert and agreement and no dissent with each other Marshal or Officer present, subjected Ken Augustine and Robert-John:Foti to an unlawful search by demanding they produce "papers" when they had no reasonable suspicion of a crime being committed and then sanctioning us for not producing such by unlawfully and falsely arresting them (restricting the liberty of movement) to prevent their access to the federal court in violation of the Fourth Article of Amendment to the Constitution for the United States of America.

**Count 43**

106. Paragraphs 1-105 are incorporated herein as though fully set out herein.

107. On Nov 4, 2004, an unknown number of Respondent Does, who were on duty, in concert and agreement and no dissent with each other Marshal or Officer present, obstructed justice in that they prevented Robert-John:Foti to enter the court while under court order to be there by Judge Illston for the purpose of prosecuting a case in violation of Title 18, § 1509, a crime.

**Count 44**

108. Paragraphs 1-107 are incorporated herein as though fully set out herein.

109. On Nov 4, an unknown number of Respondent Does, who were on duty, in concert and agreement and no dissent with each other Marshal or Officer present, denied the right to petition for redress of grievances<sup>16</sup> by keeping Plaintiffs out of the courts where there are cases being prosecuted by them in violation of the First Article of Amendment to the Constitution for the United States of America.

**Count 45**

110. Paragraphs 1-109 are incorporated herein as though fully set out herein.

111. On Nov 4, 2004, at the times aforementioned, an unknown number of Respondent Does, who were on duty, in concert and agreement with each other marshal or officer present, falsely arrested Ken Augustine and Robert-John:Foti, by restricting their freedom of movement by not allowing them to proceed further into the building, without lawful cause whatsoever in violation of the Fourth Article of Amendment to the Constitution for the United Sates of America.

**Count 46**

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<sup>16</sup> How convenient, can't petition if you can't get in. Another Right bites the dust.

112. Paragraphs 1-111 are incorporated herein as though fully set out herein.

113. On Nov 4, 2004, Marshal Adele (sp?) put his hands upon Plaintiffs Foti and Augustine in violation of State Law. (Again, ironically when asked for his full name responded with: "Adele (sp?), that is all you need to know.")

**Relief requested**

114. Paragraphs 1-113 are incorporated herein as though fully set out herein.

115. As we have further proceedings in the courthouse, if there is no law requiring anyone to obtain and retain a Government issued picture ID, an immediate emergency hearing for declaratory and injunctive relief preventing the Marshall's Service and/or the Federal Protective Services from asking for Government issued picture ID as pre-requisite to enter a courthouse or public building is demanded.

116. That this court order all the officers, marshals, and Clerks, whose names are unknown to us and present during the incidents which are subject of this suit, according to the governments records, Attorney General Wilfred Fong and Judge Illston in there private capacity as conspirators, served with this lawsuit (no approximation of the number defendants possible).

117. Damages of \$25,000 for each 23 minutes of deprivation enumerated in each count to Plaintiffs involved in each count from each Marshal, Officer, Clerk, participating in the unlawful acts against us in keeping with precedent established in *Trezevant v City of Tampa*, 741 F.2d 336 (11th Cir.1984) and *Bivens v 6 Unknown Narcotics Agents*, 403 U.S. 388.

118. The damages prayed for in case number C 00-4783 SI because of Judge Illston and Wilfred Fong private acts to

deny Robert-John:Foti's Right to prosecute that case and all other constitutional deprivations.

119. Whatever further relief this court deems just.

I, Robert-John:Foti, Joe Neufeld and Ken Augustine are the Complainants in the above-entitled action and competent men able to state the following: We have read the foregoing and know the contents thereof. The same is true of our own knowledge, except as to those matters that are therein alleged on information and belief, and as to those matters, we believe them to be true, and we will testify as to its veracity.

The foregoing is true and correct and not misleading under penalty of bearing false witness.

Dated this Eighth day of November in the year of our Lord two thousand and four and of the Independence of America the two hundred and twenty-ninth.

Respectively Presented

Robert-John:Foti

Joseph Neufeld

Ken Augustine 07/11/02

Tuesday, May 4, 2004

Joseph Leonard Neufeld  
general delivery  
Mission Rafael Station  
San Rafael, California

U.S. Marshal Thomas A. Klenieski  
U.S. Marshal Services  
450 Golden Gate Avenue, Federal Building  
San Francisco, CA 94102

This is a request for an administrative hearing regarding the policy of presenting some form of state-issued picture identification as a prerequisite to gain entry to the courts and federal building. I, as well as the undersigned, (hereinafter, collectively as "WE," "US," or "OUR") are unaware of any law — federal, state, or municipal — that requires US to either (1) procure, carry or maintain a picture identification card; or (2) present it to a U.S. Marshal or any of his or her deputies, upon demand.

On Friday, May 21, 2004 WE will be appearing in the courts and federal building for a 9 AM court appearance regarding *Foti v. County of San Mateo et al.*, U.S. District Court case no. C-00-4783 SI. Because WE possess no valid form of picture identification, and because we are all unaware of any legislative mandate requiring US to possess picture identification, and because we understand that you and your staff will not allow anyone to enter the courts and federal building without presentment of such picture identification, WE make a good-faith effort, through this request for an administrative hearing, to resolve, minimize or eliminate any confusion, misunderstanding or error regarding the enforcement of this policy.

I imagine that there may be some confusion regarding what WE seek to discover. I'm sure you and your staff have many a good reason as to why those entering the courts and federal building *should* present some form of identification. The U.S. Marshal Services resides under the executive branch, and is sworn to uphold and enforce the law.

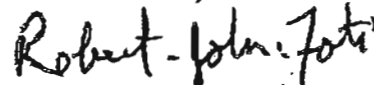
You are granted no law-making authority. WE do not seek to ascertain whether one *should*, or whether it would be a good idea to present identification as a prerequisite to enter the courts and federal building. WE simply seek to ascertain the underlying authority, granted to your agency, to compel what the law does not, to possess a state-issued identification.

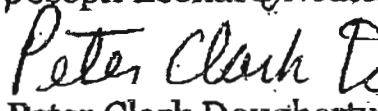
Nothing in this request should be construed as an effort on our part to disparage, undermine or disrespect the difficult job you and your staff face each day in maintaining a safe, secure and peaceful courts and federal building. WE do not seek to draw into question the policy of searching each visitor as a prerequisite to gain entry. We simply seek to draw into question the source of you and your staff's authority to refuse entry to the courts and federal building to members of the public who do not possess state-issued identification.

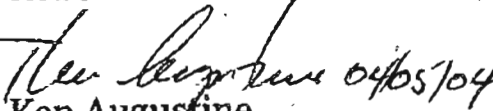
Please respond to this request within 10 days of receipt. Please FAX your response to (415) 389-0313 to hasten the process, and please mail as well to the above mailing location.

Thank you for your consideration in this matter,

  
Joseph Leonard Neufeld

  
Robert-John: Foti

  
Peter Clark Dougherty

  
Ken Augustine

Wednesday, May 22, 2002

Joseph Leonard Neufeld  
general delivery  
Mission Rafael Station  
San Rafael, California 94915-9999

US Marshal James J. Molinari  
US Marshal Services  
Federal Building  
450 Golden Gate Avenue  
San Francisco, CA 94102

On Monday, May 20, 2002 I arrived at the federal building in order to present paperwork to the clerk of the US District Court for the Northern District of California, pay the filing fee, and have my case accepted for filing by the clerk. Because I do not possess a valid picture identification card, I was denied entry to the building. I placed my bag on the conveyer belt, walked through the metal detector, but failed to present identification. A US Deputy Marshal handcuffed me and the federal police arrived shortly thereafter to interrogate me.

After talking with the federal police, one officer agreed to personally escort me up to the clerk's office to get my papers filed. After filing the paperwork, the officer informed me that I just happened to have caught him in a good mood, that he was doing me a favor, but the next time I return, I need to have a valid picture identification card in order to gain entry to the building.

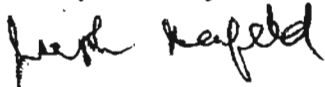
This letter is to inform you that I will return to the federal building to prosecute my case, *Joseph Leonard Neufeld v. The United States Postal Service et al.*, C02-2434 WHA; I will place all my belongings on the conveyer belt; I will step through the metal detector; I will consent to you searching any and all of my belongings or my person; I will not be able to present a valid picture identification card, or any identification. Not now, nor in the future.

If you or any of your deputies detain, arrest, or otherwise deprive me

of my liberty, I ask that you cite the law which requires me to possess identification; cite the section under the US Criminal Code (Title 18) that penalizes someone who attempts to enter a federal building without identification; and what rational basis does the possession of identification have with the security of the federal building, particularly when everyone entering the building is thoroughly searched?

I appreciate and support the difficult job you and your deputies face in maintaining a secure and safe federal building. I will cooperate with each and every lawful directive to accomplish that goal. However, I ask that you also appreciate the oath of office you took to defend and support the Constitution of the United States. You are a law enforcement officer, not a law making officer. You have no authority to define or fix crimes. If there is no law requiring me to possess a picture identification (or any identification), then you or your deputies would possess no authority to take me into custody for violating a nonexistent law. I have right to be free from unreasonable search and seizure. (US Const. amend.IV.) Please have your ducks in a row if you or your deputies decide to interfere with my lawful access to the federal courts.

Thank you for your consideration in this matter,



Joseph Leonard Neufeld

cc:

US ATTORNEY DAVID W. SHAPIRO  
11TH FLOOR, FEDERAL BUILDING  
450 GOLDEN GATE, BOX 36055  
SAN FRANCISCO, CA 94102

Robert-John:Foti  
Sovereign-State-Party  
General Delivery  
Woodacre, California [94973]

ORIGINAL  
FILED  
04 OCT 13 PM 12:25  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

In his own Stead<sup>1</sup>

UNITED-STATES-DISTRICT-COURT  
NORTHERN-DISTRICT OF CALIFORNIA

Robert-John:Foti

) CASE-NO: C 00-4783 SI  
Plaintiff, )

v. )

COUNTY OF SAN MATEO )  
(John-Doe: 1-50) )

) **Notice of Formal Objection**  
) to the Nazi-esque conduct of  
) of federal officers

[CRAIG PARSONS [PERSON]] )

[Craig Parsons [Judge]] )

[THERESA SIMMONS [PERSON]] )

[Theresa Simmons [Police Officer]] )

[K. E. GIBBONS [PERSON]] )

[K. E. Gibbons [Police Officer]] )

Respondents. )

) Time:  
) Date:  
) Dept.:  
) Judge SUSAN ILLSTON

For the Record, Plaintiff Robert-John:Foti<sup>2</sup> so states:

1. On July 9, 2004, I was kept out of the courtroom while the clerks and the Marshall's played their little games telling me the other is responsible for my servitude to them of escorting me to the courtroom. Each of them would tell me that the other would escort me (involuntary

<sup>1</sup> I am not an attorney. I should not be held to the same standard as an attorney and does request from this court an honest judgment. I trust any deficiencies and imperfections that may be contained herein will be liberally construed as the law favors form less than substance. This document is prepared without the assistance of counsel and is subject to whatever corrections are found necessary if and when the court so recommends.

<sup>2</sup> The court said in *Pike v. Dickson*, 9 Cir. 323 F.2d 856, at 857: "Chief Judge Sobeloff in *United States v. Glass*, 4 Cir., 317 F.2d 200, 202 said as follows: 'Where the laymen's papers clearly show what he is driving at, it is usually in the interest of justice and may in the long run save time to temper the reading of the papers with a measure of tolerance.' This court has applied the same rule of construction of a layman's pleadings in *Thomas v. Teets*, 9 Cir. 205 F.2d 236, 238. Note 1: 'Thomas' application being drawn by an inexperienced layman is to be construed to give its allegations effect, though inartfully drawn. *Darr v. Buxford*, 339 U.S. 200, 203, 70 S.Ct. 587, 94 L.Ed. 761; *Price v. Johnston*, 334 U.S. 266, 292, 68 S.Ct. 1049, 92 L.Ed. 1356" 370 F.2d. at 40 (1966)

your courts attendance and my case? Is it with your blessing, the denial of my free access to the courts?

5. Will you immediately suspend this case until the problem can be adjudicated in a case for that purpose filed by me and two other plaintiffs?

See case: C 04-2567 PJH

6. My case is sabotaged by a government apparently striving for Nazi type control over people no matter what Rights get trampled on.

Robert-John: Foti  
Robert-John:Foti

I, Robert-John:Foti am the Complainant in the above-entitled action and competent man able to state the following: I have read the foregoing and know the contents thereof. The same is true of my own knowledge, except as to those matters that are therein alleged on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of bearing false witness under the laws of the California state that the foregoing is true and correct.

Dated this Twelfth day of October in the year of our Lord two thousand and four and of the Independence of America the two hundred and twenty-ninth.

Respectively Presented

Robert-John: Foti