

1 Ken Augustine  
53 Mark Drive  
2 San Rafael, CA 94903  
3 Plaintiff in Pro Per  
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FILED

NOV 17 PM 2:29  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10 Robert-John: Foti, Joe Neufeld, Ken  
Augustine,

CASE-NO: C 04-2567 PJH

11 Plaintiffs  
12

DECLARATION OF KEN AUGUSTINE IN  
SUPPORT OF MOTION FOR SUMMARY  
JUDGEMENT

13 vs.

Hearing Date:

14 Officer McHugh and other unknown number  
of unnamed officers of the U.S. Marshall's  
Service and the Federal Protective Services,  
15 U.S. Marshall's Service, Federal Protective  
Services, Does: 1 -50

Time:

Courtroom:

16 Defendants.  
17

18 I, Ken Augustine declare as follows:

19 1. I am one of the Plaintiffs in this matter, and this declaration is made in that capacity.

20 2. The statements contained herein are made from my personal knowledge, and I would be  
21 competent to testify thereto, and that this declaration is made under penalty of perjury under the  
22 laws of the United States, and that each of the statements contained herein is true to the best of my  
23 knowledge, or if stated on information and belief, is true to my belief.

24 3. I am a resident of the United States, and live in the County of Marin. Because of my  
25 personal beliefs, I do not wish to obtain either a California Driver's license, nor a California  
26 Identification Card. I do not have, nor do I intent to obtain any other State issued identification.

27 4. As alleged in the complaint on file, and the Points and Authorities filed herewith, I was  
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Declaration of Ken Augustine

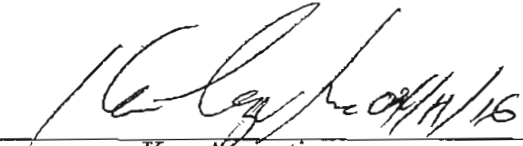
1 wrongfully incarcerated and imprisoned by the County of Marin. To right what I believed was an  
2 illegal and unconstitutional act, I filed suit in this court to obtain compensation for the wrongful  
3 acts of Marin County and its subdivisions. The action number of that matter is properly stated in  
4 the Points and Authorities filed herewith.

5 5. I have been repeatedly denied access to this courthouse to make appearances in that  
6 matter, and on several instances, critical issues have been discussed without my presence. I  
7 believe that by refusing to allow me to make court appearances in that matter, I am being deprived  
8 of my right to redress, through the use of this court system.

9 6. I have made several attempts to attend various court appearances, and on some  
10 occasions, I have been able to attend because various people, including court clerks, etc. have "  
11 signed me in" thus allowing me to attend some of those appearances. On those occasions, I have  
12 engaged in various arguments with various US Marshals regarding that appearance, and they now  
13 address me by my name, since we have become acquainted through those procedures.

14 7. Despite the above, I continue to be denied access to the courthouse in violation of my  
15 right. On occasion, when a court clerk, who knows of my appearance cannot be found, I have  
16 asked the US Marshals to call the relevant courtroom, to verify that I had business there. I have  
17 been consistently been refused any such call, so that effectively my access to the courts has been  
18 denied.

19 Dated: 11/16/04

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21   
22 Ken Augustine-

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Declaration of Ken Augustine-