

FILED

05 MAY 25 PM 2:20

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

Robert-John:Foti In Propria Persona
General Delivery
Lagunitas, [94978]
California

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

Ken Augustine In Propria Persona
53 Mark Drive
San Rafael [94903]
California

Sovereign-State-Parties
In their own Stead¹

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)
Plaintiffs²,)
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: 1-50))
Respondents.)

CASE-NO: C 04-2567 PJH

Layman's
Notice of Appeal

Notice of mail destination
change for Robert-John:Foti

¹ We are not attorneys. We should not be held to the same standard as an attorney and does request from this court an honest judgment. We 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.

To you from

Alfa

To: The Court, all parties and their attorneys

1. Plaintiff's hereby give their notice of appeal ^{Rule 12} the dismissal filed on Feb 2, 2005, and in which a motion for reconsideration was rejected on May 9, 2005, in the above-captioned case.

Also:

2. Please be advised that the destination for mail to reach Plaintiff, Robert-John:Foti, is changed. The new mailing location is:

Robert-John:Foti
General Delivery
In c/o Post Office #94938
Lagunitas
California

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 Twenty-Fourth day of May in the year of our Lord two thousand and four and of the Independence of America the two hundred and twenty-ninth.

Respectively Presented,

Joseph Neufeld
Ken Augustine 05/05/24
Robert-John:Foti

² 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. Peets*, 9 Cir. 205 F.2d 236,238, Note 1" 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)

Case # C 04 2567 PJH
Declaration of Mailing

I, Robert John Foti, state I am over the age of eighteen and that on this date, May 24, 2005, I served the following:

Notice of Appeal document 050517AA

BY PLACING A TRUE COPY THEREOF INTO AN ENVELOPE BEARING PREPAID POSTAGE, BY VERIFYING THAT EACH SUCH ENVELOPE BORE ONE OF THE ADDRESSES OF EACH PARTY NAMED BELOW, BY SEALING AND BY DEPOSITING EACH SUCH ENVELOPE INTO THE UNITED STATES' MAIL AT: San Anselmo, California, California republic, AND MAILING VIA CERTIFIED MATTER delivery contract.

Alberto Gonzales
U.S. Department of Justice
Office of Attorney General
Washington D.C. 20530
First Class mail

A. Simmons
450 Golden Gate Avenue
San Francisco, California 94102
First Class mail

THERE IS DELIVERY SERVICE OF THE UNITED STATES' MAIL AT EACH OF THE PLACES SO ADDRESSED, OR THERE IS REGULAR COMMUNICATIONS BY MAIL BETWEEN THE PLACE OF MAILING AND EACH OF THE PLACES SO ADDRESSED.

I DO HEREBY AVER THAT THE FOREGOING IS TRUE AND CORRECT UNDER THE PENALTY OF BEARING FALSE WITNESS UNDER THE LAWS OF THE UNITED STATES OF AMERICA.

EXECUTED ON May 24, 2005, AT San Anselmo, California republic.

L.S. Robert John Foti
DECLARANT

DUPLICATE ** DUPLICATE ** DUPLICATE

RECEIPT FOR PAYMENT
UNITED STATES DISTRICT COURT
for the

NORTHERN DISTRICT OF
CALIFORNIA

SAN FRANCISCO, CA

3372648

RECEIVED FROM:
FOTI, ROBERT
GENERAL DELIVERY
LAGUNITAS, CA 94978

Case Number:

3:04CV02567DJK

F/U/B/O:

Party ID:

Tender Type:

MONEY
ORDER

05-510000

\$150.00

Appellate 510000

Remarks:

05-086900

\$105.00

Appellate 086900

Remarks:00262683595

Subtotal:

\$255.00

Receipt Total:

\$255.00

* Checks and drafts are accepted
subject to collections and full
credit will only be given when
the check or draft has been
accepted by the financial
institution on which it was drawn.
** Balance does not reflect other
receipts posted on the same
business day.

Date: 5/25/03

Clerk:

MAB

DUPLICATE ** DUPLICATE ** DUPLICATE