ED STATES COURT OF AF

FOR THE NINTH CIRCUM 20 AM 9: 24

JOSEPH LEONARD NEUFELD; KENNETH AUGUSTINE; ROBERT J. FOTI,

Plaintiffs - Appellants,

V.

MCHUGH, Officer; UNITED STATES MARSHALLS SERVICE; FEDERAL PROTECTIVE SERVICES,

Defendants - Appellees.

D.C. No. CV-04-02567-PJI

TIME SCHEDULE ORDER

JUN 15 2005

CATHY A. CATTERSON, CLERK U.S. COURT OF APPEALS

The parties shall meet the following time schedule:

6/6/05 Appellant/petitioner shall notify appellee/respondent of transcript be ordered, pursuant to 9th Cir. R. 10-3.1(a);

6/14/05 Appellee/respondent shall notify appellant/petitioner of any additional transcripts needed, pursuant to 9th Cir. R. 10-3.1(b);

Appellant/petitioner shall file transcript order form with the district 6/24/05 court and make payment arrangements with court reporter, pursuant to 9th Cir. R. 10-3.1;

7/25/05 Court reporter shall file transcript in the district court, pursuant to FRAP 11(b) and 9th Cir. R. 11-1.1;

Appellant/petitioner's opening brief and excerpts of record shall be 9/12/05 served and filed pursuant to FRAP 32 and 9th Cir. R. 32-1;

10/11/05 The brief of appellee/respondent shall be filed and served, pursuant to FRAP 32 and 9th Cir. R. 32-1

*** The optional appellant/petitioner reply brief shall be filed and served within fourteen days of service of the appellee/respondent's brief, pursuant to FRAP 32 and 9th Cir. R. 32-1.

Failure of the appellant to comply with the Time Schedule Order will result in automatic dismissal of the appeal. 9th Cir. R. 42-1

Appellants/Petitioners without representation of counsel in a prisoner appeal may have their case submitted on the briefs and record without oral argument, pursuant to FRAP 34(a). Within 10 days of the filing of the appellant's opening brief, parties may file a statement setting forth the reasons why, in the opinion of the parties, oral argument should be heard.

FOR THE COURT:

Cathy A. Catterson Clerk of Court

By: John Ilagan

Deputy Clerk

UNITED STATES DISTRICT COURT Northern District of California 450 Golden Gate Avenue San Francisco, California 94102

www.cand.uscourts.gov

Richard W. Wieking Clerk

May 26, 2005

Clerk
U.S. Court of Appeals
For the Ninth Circuit
P.O. Box 193939
San Francisco, CA 94119-3939

CASE NUMBER: CV 04-02567 PJH

CASE TITLE: ROBERT-JOHN FOTI-v-OFFICER MCHUGH

USCA Case Number:

5-16079

Dear Sir/Madam:

Enclosed is the Notice of Appeal in the above captioned case. Please acknowledge receipt on the enclosed copy of this letter and return it to this office.

Sincerely,

RICHARD W. WIEKING, Clerk

CLEASE OF THE STATE OF THE STAT

General Court Nur

by: Felicia Reloba

Case Systems Administrator

cc: Counsel of Record

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

ROBERT-JOHN FOTI	Plaintiff(s),) Court of Appeals Docket No.
	(Petitioner)) Dealest Normalism of Count of Association
v.) Docket Number(s) of Court of Appeals
) Companion and/or Cross Appeals (if
OFFICER MCHUGH) known)
	Defendant(s),)
	(Respondent))
	, ,) District Court Docket Number
		CV 04-02567 PJH
	,)
		Date Transcript(s) Filed:
		3/30/05

CERTIFICATE OF RECORD

This certificate is submitted in conformance with Rule 11-2 of the Local Rules of the U.S. Court of Appeals for the Ninth Circuit. The record on appeal, consisting of the trial transcript (if any) and the trial court clerk's record, is ready for the purposes of the appeal. This record is available in the Clerk's Office of the U.S. District Court identified below.

The documents comprising the trial court clerk's record have been numbered in conformance with Rule 11(b) of the Federal Rules of Appellate Procedure. These document numbers are reflected on the U.S. District Court docket sheet and should be used for reference purposes in the briefs.

The actual filing date for this document in the U.S. Court of Appeals will initiate the briefing schedule in civil cases (including habeas corpus cases). All parties in civil cases will receive separate notification of this filing date. In criminal cases, the briefing schedule is set by a Time Schedule Order from the U.S. Court of Appeals.

DATED: May 26, 2005

RICHARD W. WIEKING CLERK

by: Felicia Reloba
Deputy Clerk

IITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

NOTICE OF APPEAL NOTIFICATION FORM Please Fill Out Completely

May 26, 2005

CASE INFORMATION:			
Short Case Title: ROBERT-J	OHN FOTI-v- OFFICER MCHUGH		
Court of Appeals No. (leave blank if a unassigned			
	Judge Name: Northern District of CA, Civil Division, Judge Hamilton		
Criminal and/or Civil Case No.			
Date Complaint/Indictment/Pet			
Date Appealed order/judgment Date NOA filed 5/25/05	entered <u>2/3/05</u>		
Date(s) of Indictment Plea Hea	aring Sentencing		
Date(s) of file carrier	and contending		
COA Status (check one):	☐ granted in full (attach order) ☐ denied in full (send record)		
	□ granted in part (attach order) □ pending		
Court Reporter(s) Name & Phone Number: <u>Leo Mankiewicz 415-861-2336</u>			
Magistrate Judge's Order? If so, please attach.			
FEE INFORMATION			
Date Docket Fee Paid: 5/25/05			
Date FP granted:	Date FP denied:		
Is FP pending? □ yes □ no US Government Appeal? □ yes	Was FP limited □? Revoked □?		
Companion Cases? Please list:			
Companion Cabos. Troube not.			
Please attach o	copy of any order granting, denying or revoking FP.		
COUNSEL INFORMATION (Plea	se include email address)		
Appellate Counsel:	Appellee Counsel:		
GEE DOCKET SHEET	·		
SEE DOCKET SHEET	, and the second		
□ retained □ CJA □ FPD □	Pro Se D Other Please attach appointment order.		
DEFENDANT INFORMATION	•		
Prisoner ID:	Address:		
Custody: Bail:			
Dall.			
AMENDED NOTIFICATION INFO	DRMATION		
Date Fees Paid: 9th Circuit Docket Number:			

Name & Phone Number of Person Completing this Form: Felicia Reloba 415-522-2000

UNITED STATES DISTRICT COURT Northern District of California 450 Golden Gate Avenue San Francisco, California 94102

www.cand.uscourts.gov

Richard W. Wieking Clerk General Court Number 415.522.2000

May 26, 2005

Clerk U.S. Court of Appeals For the Ninth Circuit P.O. Box 193939 San Francisco, CA 94119-3939

CASE NUMBER: CV 04-02567 PJH

CASE TITLE: ROBERT-JOHN FOTI-v-OFFICER MCHUGH

USCA Case Number:

Dear Sir/Madam:

Enclosed is the Notice of Appeal in the above captioned case. Please acknowledge receipt on the enclosed copy of this letter and return it to this office.

Sincerely,

RICHARD W. WIEKING, Clerk

by: Felicia Reloba

Case Systems Administrator

cc: Counsel of Record