

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Joseph Leonard Neufeld, Kenneth
Augustine; Robert-John Foti

CASE NO.

Appellant/Petitioner

vs.

McHugh, Officer; United States
Marshall Service; Federal
Protective Services

05-16079

Appellee/Respondent

APPELLANT'S OR PETITIONER'S INFORMAL BRIEF

1. Jurisdiction

a. Timeliness of Appeal or Petition:

- (i) Date of entry of judgment or order of district court: Feb. 2, 2005
- (ii) Date of service of any motion made after judgment (other than for fees and costs): reconsider Feb. 17, 2005
- (iii) Date of entry of order deciding motion May 09, 2005
- (iv) Date notice of appeal or petition filed May 25, 2005
- (v) For prisoners, date you gave notice of appeal to prison authorities N/A

b. PLEASE ATTACH ONE COPY OF EACH OF THE FOLLOWING:

- 1. The order(s) from which you are appealing
- 2. The district court's entry of judgment
- 3. The district court docket sheet

2. What are the facts of your case?

The complete facts are stated in the first Amended Complaint, which is included herein by this reference.

On May 21, 2004, at approximately 8:40 a.m. Robert-John Foti and Joe Neufeld were at the Federal District Court at 450 Golden Gate Ave. San Francisco, California for a hearing on a case that Robert-John Foti is prosecuting, Case No. C.00-4783 SI. Ken Augustine entered just after Joe and Robert passed the Identification Request Podium. Joe Neufeld and Ken Augustine were there to watch the pre-trial proceedings in Robert's case. We Plaintiff's have no Government issued identifications to produce on demand of the U.S. Marshalls who demand such on condition to enter the Courthouse building. Joe and Robert put belongings on the X-ray machine conveyor belt and passed through the Magnetometer. No alarms were sounded and no suspicious items were detected. Joe and Robert were yelled at. Joe stepped back. Robert did not step back. Robert was manhandled by Officer McHugh and all of us, Joe, Ken, who watched everything, and Robert were forced out of the Courthouse by the Federal Protective Services, which were called by the U.S. Marshalls.

Joe, Ken and Robert eventually returned after having to go elsewhere to phone the clerk's office. Robert was escorted to his hearing while Joe and Ken were denied, and were kept out of the hearing, which they wanted to observe.

Subsequently, we have been denied access to the courts in our other actions also

3. What did you ask the district court to do (for example, award damages, give injunctive relief, order your release from prison, etc.)?

We asked the district court for damages injunctive relief and declaratory judgment. Judge Hamilton denied everything without addressing everything. The most glaring things she ignored were the search aspects of the Marshall's demand for ID and whether or not we are required to have the searched for documents in the first instance.

4. State the claim or claims you raised at the district court.

Unlawful search. unlawful arrest. kidnapping (simple) - violation of the right to privacy - violation of the right to associate - involuntary servitude - Conspiracy - violation of the right to free access to the courts. When we noticed Judge Hamilton she failed to address all our concerns, she responded with more baffle gab ignoring what she ignored before.

5. What issues are you raising on appeal?

The opinion of Judge Hamilton appears to be pure baffle gab - i.e., "you have not been denied access to the court because you may appear by paper." We are raising all issues in this court. Judge Hamilton did not intelligently address any issue presented here. Nazi Germany and other countries have a "show your papers" mentality but the United States has the Fourth Amendment.

Judge Hamilton seems to think that regulations, which she misinterprets, overrides those guarantees of the Constitution.

are the Marshall's acts in demanding identification a search? Is it in violation of clearly established law decided in *Brown v Texas*, *Kolander v Larsen*, *Florida v Royer*, *Carey v Nevada Gaming Authority*; Even in *Hibel v. Sixth Judicial Dist. Court of Nevada, Humbolt City*, the decision was; give a name IF your suspected of wrongdoing - but ~~asking for~~ demanding documents is verboten.

Government can not become dependent on a power they never had.

We are not attorneys, we reserve all our unalienable rights whether we say something, do something or make a mistake.

We are talking about the ability to move freely in this "free" country. Judge Hamilton should be reversed.

6. Did you present all these issues to the district court?

yes
Yes/No

If not, why?

7. What law supports these issues on appeal? (You may, but need not, refer to cases and statutes.)

To be free of unreasonable search and seizures.

We do request an honest judgment from this court. One that can be published would go far in our thoughts of legitimacy. Courts are established in order to prevent those ancient rituals of rights by battle.

8. Do you have any other cases pending in this court? If so, give the name and docket number of each case.

Foti v County of San Mateo, et al. No. 04-17389
Augustine v Marin County No. 05-16145

An equally important and related case
is Gilmore v. Ashcroft No. 04-15736

9. Have you filed any previous cases which have been decided by this court? If so, give the name and docket number of each case.

Foti v County of San Mateo, et al. No. 01-16968

10. ~~For prisoners, did you exhaust all administrative remedies for each claim prior to filing your complaint in the district court?~~

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Sep 12, 2005
DATE

Ken Newfeld 050912
Robert John Foti
Joe Newfeld
~~Signature~~ Autographs

~~Addresses~~ Locations above