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2 STEVEN R. NARY US NAVY AIRMAN
3 CAO MILITARY LAW POVERTY RESEARCH PROJECT
4 FOR POOR SAILORS & SOLDIERS & VETERANS

5 MAILING ADDRESS

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ORIGINAL
FILED

JUL 23 1999

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

9 US DISTRICT COURT FOR NORTHERN CALIFORNIA

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13 _____)
14)
15)
16 STEVEN R. NARY)
17 US NAVY / APPRENTICE AIRMAN)
18 Plaintiff)

19 vs)

20 TERRANCE HALLINAN)
21 Defendant)
22 Current District Attorney)
23 San Francisco City & County)
24)

25 NOTICE OF APPEAL TO
26 US COURT OF APPEAL
27 9TH FEDERAL CIRCUIT OF
28 US DISTRICT COURT CASE
99- C-99-3081 (CAL)
'NON JURISDICTION' OF STATE
COURT/
DUE PROCESS RIGHTS VIOLATED
BY EXTRADITION/
KIDNAPPING BY DISTRICT
ATTORNEY HALLINAN
TO EFFECT STATE PROSECUTION
VIOLATION OF DUE PROCESS &
EQUAL PROTECTION/EXTRADITION
&
CONSTITUTIONAL RIGHTS
VIOLATIONS
NULLIFICATION OF FEDERAL
COURT DECISIONS & 32 CODE 720
OF FEDERAL REGULATIONS US
NAVY
28 USC 1331, 1442(a) REMOVAL
OF STATE PROSECUTION
MILITARY STATUS OF FORCES
AGREEMENTS & TREATIES
28 USC 3281/3282 & 42 USC
1983

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NOTICE OF APPEAL

US District Court for Northern District of California

file no. C-99-3081

Notice is hereby given that Steven R. Nary, US Navy Airman plaintiff
in the above named case C-99-3081,

hereby appeals to the US Court of Appeals for the

9th Circuit from the final judgment, file number C-99-3081 from the

dismissal order entered in this action on the 7-9 day of July

1999.

CERTIFICATE OF SERVICE

NARY, US NAVY AIRMAN

HALLINAN, D. A. SFCOUNTY

Case Name: _____ v. _____

Case No.: C-99-3081
C-99-3081

IMPORTANT: You must send a copy of ALL documents filed with the court and any attachments to counsel for ALL parties in this case. You must also file a certificate of service with this court telling us that you have done so. You may use this certificate of service as a master copy, and fill in the title of the document you are filing. Please list below the names and addresses of the parties who were sent a copy of your document and the dates on which they were served. Be sure to sign the statement below. You must attach a copy of the certificate of service to each of the copies and the copy you file with the court.

NOTICE OF APPEAL TO FEDERAL APPELLATE COURT
C-99-3081

I certify that a copy of the _____
(Name of document you are filing (i.e., opening brief, motion, etc.)

and any attachments was served, either in person or by mail, on the persons listed below.

[Signature]
Signature
Notary NOT required

| <u>Name</u> | <u>Address</u> | <u>Date Served</u> |
|---|--------------------------|--------------------|
| TERRACE HALLINAN/DISTRICT ATTORNEY SF COUNTY | 850 BRYANT SF. CA. | 7-23-99 |
| SF SUPERIOR COURT # CASE 165558 | DEPT. 22 | all |
| ATTORNEY GENERAL STATE OF CALIFORNIA | SACRAMENTO, CALIFORNIA | |
| US SENATE ARMED SERVICES COMMITTEE/ US HOUSE OF REPRESENTATIVES | ARMED SERVICES COMMITTEE | |
| US HOUSE OF REPRESENTATIVES GOVERNMENT OPERATIONS COMMITTEE | | |
| US CONGRESS | WASHINGTON, D. C. 20515 | |

FEDERAL COURT PROCEEDINGS--REMOVAL OF #165558/ DISMISSAL & APPEAL
TO 9TH FEDERAL APPELLATE JULY 9, 1999

1.C-99-3081-- After Federal District Court Judge Legge's dismissal in June 1999, of the Removal etc. --He did not remand that #165558 case back to the local state court San Francisco. He ordered that the state courts address the jurisdiction issue. But they didn't.

2. On July 9, 1999, petitioner/ appellant /sailor filed notice of Appeal and appeal to the jurisdiction of the 9th federal Court of Appeals

3. Throughout local state court proceedings, local state court judge Ryan and successive state appellate court judges Stein, Swager, Marchiano and State Supreme Court Judges Chief Ron George, had notification of the removal to the jurisdiction of the federal appellate court, but ignored it.

4 February 2, 2000, Federal district court judge Legge stated again that" the (federal) court of appeals now has jurisdiction over the action."

FILED
NOV 10 1999

NORTHERN DISTRICT OF CALIFORNIA

STEVEN R. NARY,

Plaintiff,

v.

MICHAEL HENNESSEY, et al.,

Defendants.

No. C-99-3081-CAL

ORDER

Plaintiff has filed, under the title of court and cause of the above entitled case, two documents which purport to be petitions for writs of habeas corpus, one filed on December 27, 1999 and one filed on January 19, 2000.

However, on July 9, 1999 this court ordered dismissal of the action, and plaintiff has appealed that decision to the United States Court of Appeals for the Ninth Circuit. Because the Court of Appeals now has jurisdiction over the action, this court does not have the power to consider the petition which plaintiff has now filed in this case. As this court explained to plaintiff in an order dated September 30, 1999 once plaintiff has filed a notice of appeal to the Ninth Circuit, this court does not have jurisdiction to entertain any substantive motion by plaintiff.

IT IS THEREFORE ORDERED that the petitions filed December 27, 1999 and January 19, 2000 are denied.

Dated: February 4, 2000.

Charles A. Legge
 CHARLES A. LEGGE
 UNITED STATES DISTRICT JUDGE

United States District Court
for the
Northern District of California
February 2, 2000

* * CERTIFICATE OF SERVICE * *

Case Number: 3:99-cv-03081

I, hereby certify that I am an employee in the Office of District Court, Northern District of California.

On February 2, 2000, I SERVED a true and correct copy(ies) of _____ by placing said copy(ies) in a postage paid envelope for the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office mailbox located in the Clerk's office.

Richard W. Wieking
Deputy Clerk
San Francisco Cty Jail
Bryant St 7th Flr
2
San Francisco, CA 94103

Richard W. Wieking, Clerk

BY: Muslima Merizma
Deputy Clerk