

FILED

JUN 29 2016

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

*no fee
paid*

1 **TIMOTHY A. DeWITT (CA 150631)**
2 **Attorney at Law**
3 **2729 Dwight Way, No. 402**
4 **Berkeley, CA 94704**
5 **Tel. 310-382-0536**

6 **Attorney/ Plaintiff, Pro Se**

7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**
9 **(Oakland/SF Division)**

10 **Case No. 3:15-cv-5261 WHA**

11 **TIMOTHY A. DeWITT, on behalf**
12 **of himself and others similarly situated,**

13 **THREE-JUDGE CASE (28 U.S.C. §§2284 &1253)**

14 **Plaintiff,**

15 **NOTICE OF APPEAL**

16 **vs.**

17 **Action Filed: November 17, 2015**

18 **SPEAKER OF THE U.S. HOUSE OF**
19 **REPRESENTATIVES, Hon. Paul Ryan;**
20 **CALIFORNIA CITIZENS REDISTRICTING**
21 **COMMISSION, a California agency;**
22 **SECRETARY OF STATE OF THE STATE**
23 **OF CALIFORNIA, Alex Padilla; ARNOLD**
24 **SCHWARZENEGGER, Fmr. Governor of**
25 **the State of California, an individual; CLERK**
26 **OF THE SUPREME COURT OF THE**
27 **UNITED STATES, Scott S. Harris;**

28 **And DOES 1 through 100, Defendants.**

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28**TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD,**

please take notice that, pursuant to 28 U.S.C. §§2284 & 1253, and the Supreme Court's mandatory appellate jurisdiction in actions challenging the constitutionality of congressional or statewide apportionment plans (legally "*required by... Act of Congress* to be heard and determined by a district court of three judges", §1253 (emp. supp.)) in which injunctive relief is sought, but has been denied by a decision of the District Court (also, Appellate Jurisdiction Clause, Separation of Powers/Checks & Balances doctrine, and Due Process Clause, of the U.S. Constitution), the Plaintiff in this action, Timothy A. DeWitt, will and hereby does appeal the U.S. District Court's Orders of Dismissal (w/out leave to amend), and final Judgment, in this action, dated January 12, 2016 (Dkt. #17), and May 31, 2016 (Dkt. ##45 & 46), respectively (the "Orders"), in their entirety -- including specifically (1) single judge's six-month-plus failure "immediately" to notify the chief judge of the circuit court of necessity of convening three judges to hear and determine action (§2284(b)(1)); (2) single judge's effective denial (by entry of final judgment) of Plaintiff's pending request (expressly directed) to Three-Judge Court to review and vacate single judge's interlocutory dismissals of January 12, 2016 (Dkt ##17 & 43); (3) Plaintiff's challenge brought pursuant to the First, Fourteenth, and Nineteenth Amendments, presented as Plaintiff's original "Seventh Claim for Relief", conspicuously nowhere even discussed in any of single judge's Orders; and (4) Plaintiff's constitutional challenge to Supreme Court Rules ("SCR") Rule 18, presented as Plaintiff's original "Ninth Claim for Relief" -- to the United States Supreme Court, directly.

In light of the possibility that the United States Supreme Court may fail to exercise its mandatory direct jurisdiction over this appeal, as required under the above authorities, and the United States Constitution (including by any adverse "summary" ruling entered pursuant to SCR 18, the constitutionality of which is separately expressly challenged in this action), Plaintiff will and hereby does appeal the District Court's six-month-plus failure to grant, and ultimate denial of, Plaintiff's request that notice be given to the Chief Judge of the Ninth Circuit of the necessity to

1 convene three judges to hear and determine the action, required under 28 U.S.C. §2284(a) &
2 (b)(1), and the single-judge Orders issued in the absence of the required Three-Judge Court, to the
3 United States Court of Appeals for the Ninth Circuit.

4
5 Dated: June 29, 2016.

6 Respectfully submitted,

7 TIMOTHY A. DeWITT (CA 150631)

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9
10 By:


11 Timothy A. DeWitt
12 Attorney/Plaintiff, *Pro Se*

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CERTIFICATE OF SERVICE BY MAIL

I am a citizen of the United States and a resident of the State of California. I am over the age of 18 and the attorney/plaintiff in the within action. My address is 2729 Dwight Way, No. 402, Berkeley, CA 94704-3100.

I am familiar with the business practices of this office for collection and processing of mail with the United States Postal Service, whereby official mail is attached with the appropriate postage and placed in a designated area. Mail so collected and processed is deposited with the United States Postal Service that same day and in the ordinary course of business. On the below date, I served a true and correct copy of the accompanying

NOTICE OF APPEAL

by placing a true copy thereof in a sealed envelope in the designated area for outgoing mail addressed as follows:

**Paul Ryan
Speaker of the House
H-232 The Capitol
Washington, D.C. 20543**

**Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20503-0001**

**Scott S. Harris
Clerk of the U.S. Supreme Court
1 First Street, NE
Washington, D.C. 20543**

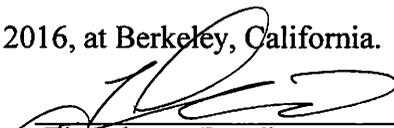
**George Waters
Deputy Attorney General
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550**

**Arnold Schwarzenegger, Fmr. Gov.
3110 Main Street, Ste. 300
Santa Monica, CA 90405**

**Solicitor General
U. S. Department of Justice
950 Pennsylvania Ave., NW
Room 5614
Washington, DC 20530-0001**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 29th day of June, 2016, at Berkeley, California.



Timothy A. DeWitt

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
450 Golden Gate Avenue
San Francisco, CA 94102

www.cand.uscourts.gov

Susan Y. Soong
Clerk of Court

General Court Number
415-522-2000

June 29, 2016

To: Timothy A DeWitt

SUBJECT: Request for Payment of Docket Fee

Title: DeWitt v. Ryan

Case Number: [15-cv-05261-WHA](#)

A notice of appeal was filed with this Court on June 29, 2016 and the docketing fee of \$505 has not been received. Please forward the above referenced fee to this office immediately.

The check is to be made payable to "CLERK, U.S. DISTRICT COURT."

Sincerely,

Susan Y. Soong, Clerk



by: D Merry
Case Systems Administrator

cc: U.S. Court of Appeals