

S T A T E M E N T

To:

May 29, 1998

Commission on Structural Alternatives
for the Federal Courts of Appeals
Washington, D.C. 20544 Fax 202-208-5102

From:

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I was lead to beleive that if I paid a filing fee to the Ninth Circuit Court of Appeals that my case, No. 96-16680, would be reviewed by the court. I don't beleive it was. The language used in the Ninth Circuit Court "MEMORANDUM" indicates that not even the first page of my FIRST AMENDED COMPLAINT was read and that erroneous information was taken from the Defendants/Appellees SUMMARY and CONCLUSION.

The first sentence of my First Amended Complaint said "This instant case arises from the theft and conversion of \$1,909.00 in United States currency by George E. Logan and the failure of the defendants to accord plaintiff substantive and procedural due process in the recording of a Notice of Violation in a housing development project in which plaintiff was involved." The MEMORANDUM from the Ninth Circuit Court contains three false statements that could not possibly have been made by anyone that had read what I had submitted.

The Court Memorandum said; (1)...dismissal of his....action
....regarding approval of his land subdivision." (2)...had a dis-
pute....regarding approval of their proposed subdivision." (3)....
both parties stipulated.....".

Regarding the three statements above;(1) there was no mention
of subdivision approval in my complaint,the subdivision had been
approved and the map recorded more than two years before I filed
my complaint. (2) there never was a dispute regarding approval of
the subdivision. (3) there was no stipulation by both parties,I
never stipulated to anything.If the court had reviewed the docum-
ents they would have seen that my signature was not there even
though the Defendants attorney lied and said it was.Obviously the
Ninth Circuit Court only read part of what was filed.I was deceived
and I was defrauded of my filing fee,I did not get what I paid for.

The conduct of the Ninth Circuit Court is shameful.

Sincerely

John E. Burgen