

FILED SUI JURIS, NOT PRO SE

CA 04-50189
DC NO. CR 02-00350-AHM
(Central District of California)

IN THE UNITED STATES COURT OF APPEAL
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,)
)
Plaintiff-Appellee,)
)
 v. ,)
)
STEVEN WILLIAM SUTCLIFFE))
)
Defendant-Appellant.)
)
_____)

**MOTION AND OBJECTION TO COURT'S
RECEIVING BUT NOT FILEING
PETITION FOR RECONSIDERATION;
OBJECTION TO COURT'S NOT RULING
ON MOTION AND OBJECTION TO
APPOINTMENT OF CONFLICTED
COUNSEL BEFORE RECEIVING
AND NOT FILING PETITION FOR
RECONSIDERATION; REMOTION TO
RELIEVE COUNSEL FOR CONFLICT AND
INCOMPETENCE: REMOTION TO REPRESENT
SELF UNDER THE DURESS; OBJECTION TO
SUDDEN CLASSIFICATION OF APPELLANT AS
PROCEEDING IN PRO SE BY THE COURT.**

Steven Sutcliffe
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STEVEN WILLIAM SUTCLIFFE,)
)
Defendant-Appellant.)
)
_____)

Appellant on 10.07.2006 filed an **OBJECTION TO APPOINTMENT OF CONFLICTED COUNSEL FROM FEDERAL PUBLIC DEFENDERS OFFICE. MOTION TO RELIEVE COUNSEL FOR CONFLICT AND INCOMPETENCE: MOTION TO REPRESENT SELF UNDER THE DURESS: FACTS: DECLARATION.** (See DOCKET 10/12/07)

This motion was based on Appellant's previously filed: **OBJECTION TO MOTION OF SUNG B. PARK TO BE RELIEVED AS COUNSEL OF RECORD; MOTION FOR THE REAPPOINTMENT OF COUNSEL; MOTION FOR THE CLARIFICATION OF THIS COURT'S ORDER RELIEVING ASSISTANCE OF COUNSEL FOR APPELLANT** (Served on 7/5/07, see DOCKET 10/12/07).

This court then formed a quick OPINION that Mr. Sutcliffe had in fact "transferred" the information and issued their OPINION on 10/11/07, relying primarily on statements previous given during oral argument on 2/7/07, wherein conflicted Federal Public Defender Sung Park "admitted" to this court what Mr. Sutcliffe has vehemently denied in the past and presently denies, namely that Mr. Sutcliffe "transferred" anything. ¹ ² Without ruling on the **OBJECTION TO APPOINTMENT OF CONFLICTED COUNSEL FROM FEDERAL PUBLIC DEFENDERS OFFICE. MOTION TO RELIEVE COUNSEL FOR CONFLICT AND INCOMPETENCE** this court is now using its own inaction and more specifically the inaction and incompetence of the newest conflicted attorney, William Melcher, to rule on the conflict thereby denying Mr. Sutcliffe the right to Petition for Reconsideration and/or Petition For

¹ <http://www.youtube.com/LibertyNJustice4all>

² See PETITION FOR RECONSIDERATION, Exhibit 25

Rehearing En Banc. (See DOCKET 10/26/07) Appellant OBJECTS and request the court “slow the roll” and rule on the previous MOTION. Appellant’s **OBJECTION TO APPOINTMENT OF CONFLICTED COUNSEL FROM FEDERAL PUBLIC DEFENDERS OFFICE. MOTION TO RELIEVE COUNSEL FOR CONFLICT AND INCOMPETENCE** is first in line BEFORE this courts motion denying Appellant’s right to be able to file for a rehearing. To put it simply, first in line means first served.³ Moreover this court has been aware of this conflict since January 7, 2005, when Attorney Rome was appointed through the Federal Public Defender’s office. (See Exhibit A, Page 3 and 5, attached hereto).⁴

Appellant also objects to the Court “reclassifying” the previous **PETITION FOR RECONSIDERATION** as being filed “*Pro Se*,” when the **PETITION FOR RECONSIDERATION** is clearly marked and signed as proceeding only as by the “*Sui Juris*.”⁵ Appellant OBJECTS to this “sudden” reclassification and any such assertion is a mistake and/or a lie.⁶

CONCLUSION

The Due Process Clause requires that this court should forthwith issue a ruling on the previously filed: **OBJECTION TO APPOINTMENT OF CONFLICTED COUNSEL FROM FEDERAL PUBLIC DEFENDERS OFFICE. MOTION TO RELIEVE COUNSEL FOR CONFLICT AND INCOMPETENCE.**

Moreover, Due Process requires that this court should forthwith file the **PETITION FOR RECONSIDERATION** to correct the record and docket.

DATED:
11.05.2007

Steven.Sutcliffe
FILED SUI JURIS, NOT PRO SE

³ This court’s behavior appears to be exactly like the district case wherein that court refused to rule on Sutcliffe’s motion to remove FOISTED Public Defender Gregory Nicolaysen, and instead ruled on FOISTED Public Defender Gregory Nicolaysen’s motion to be relieved, without even hearing Sutcliffe’s motion **which was filed before** FOISTED Public Defender Gregory Nicolaysen’s motion. (See PETITION FOR RECONSIDERATION, Page 14, section 18)

⁴ “The second and more significant issue is that of my ‘appointed’ appellate attorney, Richard Rome. The United States Federal Public Defender’s Office (‘FPD’) disqualified itself to avoid being held and/or found incompetent. Apparently, however, they “appointed” Mr. Rome to represent me on appeal. Mr. Rome has told me he was appointed by the Ninth Circuit. In an ORDER to appoint counsel, filed 06.24.2004, in the Ninth Circuit it stated that the Clerk “shall serve a copy of this order ...on [the] Federal Public Defenders Office...who will locate appointed counsel [for the defendant]. Round and around we go and here I sit and sit and sit... If this Court is not inclined to order the appointment of new appellate counsel, I would request that I be permitted to proceed on appeal (all of the appeals) in sui juris.

⁵ See PETITION FOR RECONSIDERATION, Page 20.

⁶ This sudden reclassification appears to be a most fortuitous event for all parties but Mr. Sutcliffe, considering how it is now being used against Mr. Sutcliffe to prevent the court ruling on, or even filing his PETITION FOR RECONSIDERATION, much like the failure to rule on the **MOTION TO RELIEVE COUNSEL FOR CONFLICT AND INCOMPETENCE.**

PROOF OF SERVICE

I, the undersigned, declare: that I am a citizen of the United States and a resident of Los Angeles County and employed in Reseda, California; that I am over the age of eighteen years; that I am not a party to the above-entitled action; the service containing the following motion:

MOTION AND OBJECTION TO COURT RECEIVING BUT NOT FILEING PETITION FOR RECONSIDERATION; OBJECTION TO COURT'S NOT RULING ON MOTION AND OBJECTION TO APPOINTMENT OF CONFLICTED COUNSEL BEFORE RECEIVING AND NOT FILING PETITION FOR RECONSIDERATION; RE-MOTION TO RELIEVE COUNSEL FOR CONFLICT AND INCOMPETENCE: RE-MOTION TO REPRESENT SELF UNDER THE DURESS; OBJECTION TO SUDDEN CLASSIFICATION OF APPELLANT AS PROCEEDING IN PRO SE BY THE COURT.

Was made by mail and was made to the following parties:

Cathy A. Catterson
Clerk of Court
95 Seventh Street
Post Office Box 193939
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William Melcher, Esq.
Melcher, Melcher & Melcher
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Woodland Hills, CA 91367-7100

Elena Duarte, AUSA
U.S. Attorney's Office
1200 United States Courthouse
312 North Spring Street
Los Angeles, CA 90012

On the date of November 5, 2007, by placing the above document in a prepaid first class envelope addressed to the above and depositing it in a U.S. mail box.

I attest under penalty of perjury that the above is true.

SIGNED:
