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U.S. COURT OF APPEALS

JUN 20 2018

Office of the Clerk  
James R. Browning Courthouse  
U.S. Court of Appeals  
P.O. Box 193939  
San Francisco, CA  
94119-3939

FILED \_\_\_\_\_  
DOCKETED \_\_\_\_\_  
DATE \_\_\_\_\_ INITIAL \_\_\_\_\_

June 19, 2018 : Reference 9<sup>th</sup> Cir. Case: 17-16329

Please be advised: after waiting till the end of 10 days from the content of the letter not received; one day before 60 days passed since not knowing what we have a right to know and in compliance with Local Rule 36-4; and after speaking to a nice clerk yesterday, we must notify the Court and the Clerk's office of the following:

We correctly mailed to the Clerk, in compliance with Local Rule 36-4, a friendly worded notice of our desire to have unpublished documents of this court and of any other court, not already released, actually published: a reading of the letter apparently said that so well, that people reacted to it ; so we, the Plaintiff-Appellants can finally read them and find out what happened in our case. Not to mention moving on. We notified the Clerk within the required 60 days. We did not 'serve' anyone as the case is over and there is no one to serve as there can be no right of any defendant to receive service.

But among many other things addressed elsewhere in this case our receiving ANY orders or opinions by this court or any district court has been at the mercy of PACER, which we no longer have access to. We included that info in the letter. It was stolen. Like many others in this case. We have not been able to trust the Postal Service at all. Which is why this letter is being sent in Fedex and a copy is being sent a similar way the stolen mail was sent. It will be stolen again!

Knowing that condition existed and needing to address this issue with the Clerk's office we made special care to facilitate the mailing of any additional correspondence. Attached is a copy of that letter. The envelope was simply addressed to the address for the clerk with no return address, on a printed paper square, taped to the envelope securely and carried two first class postage stamps making it only deliverable to the Clerk's office. But it was mailed from within 85120. We live there.

A few days after the June 6<sup>th</sup> mailing, we noticed an overwhelming amount of scurrying about in social network accounts of ALL defendants (minus the

Honorable Judge who does not have such presence!) OF TWO DISTRICT COURT CASES that started on June 8 and carried throughout that weekend and in one instance into the week. It resulted in social network presence for defendants on the Willett case AND the primary defendant of the Humatewa case being nearly completely scrubbed. Three elected officials. Two county, one state. All three attending the same clean up party? Really? Some trigger set them all into motion. Accounts changed. Search ability changed in Facebook and what emerged was a purge. That left two running for office accounts that were rather slim from where they had been.

Coincidental how mail expected to arrive on the 8<sup>th</sup> doesn't. But the people it has the most effect on react to what the content of that letter said within three days of its mailing. We do not subscribe to coincidence. Especially since it was never delivered.

With the purpose of secrecy to be mostly about concealment: then again, we cannot be sure if what we have received is all that was sent to us. We have received two mails marked LEGAL MAIL. We have not received any District Court order or injunction. We have not received any Appeals Court order or opinion even though we are aware of the mandate. Neither has a court order sealing our case nor a gag order making us quiet ever been received.

We have once again followed the rules. We will not file a missing lost or stolen mail report with the USPS as that would make all defendant affiliations public. And we did make the deadline for Local Rule 36-4.


As we have waited, aggravatedly contemplated, my wife, also a Plaintiff, came into this year celebrating 28 years of conquering stage 4 colorectal cancer. Nine years ago she was brutally attacked in a dental chair. Six years of waiting later she now has Chronic Lymphatic Leukemia.

We can now trust in the Clerk and we await publication of the documents we should already have read.

Update: Spoke to clerk's office and requested the use of a FAX number to send this letter to the Clerk's office. The clerk looked up the case, said it was over and the mandate issued, and they would NOT permit use of the FAX.

Therefore, knowing this letter will be stolen makes that illegal act, one that could have been avoided.

Thank you very much!



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Lee K. Hempfling

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June 6, 2018

To the Clerk Reference 9<sup>th</sup> Cir. Case: 17-16329

NOT to be filed!

Thanks to a policy of PACER that prohibits complaining about incorrect or improper charges on the account until after the incorrect charges have been billed: we are after today<sup>1</sup>, without access to PACER as the over 300 documents PACER charged us for is their programming error and not accepting the first attempt to stop this from being billed amounts to our being held responsible for PACER's bad programming.

Since PACER has been the only method of acquiring documents from any Federal court involved in this case within any amount of time like the defendants' instant notification, our being without such access means we are at the mercy of the United States Postal Service; saying you even receive this letter. Yay.

As we await knowing what we should have already known, please be aware we now cannot be assured we can know even that.

Sincerely

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<sup>1</sup> Interesting coincidental nine complete years since the Superior Court case started.