

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF FLORIDA (PENSACOLA DIVISION)

STATE OF FLORIDA etc., et al,)

Plaintiffs,)

Case No. 3:10-cv-0091-RV-EMT

vs.)

UNITED STATES DEPARTMENT OF)

HEALTH AND HUMAN RESOURCES et al.,)

Defendants.)

NOTICE OF APPEAL (PRO SE) BY ROBERT P. SMITH, JR.

NOTICE IS HEREBY GIVEN that Robert P. Smith, Jr., intervening-defendant-movant in the above named cause (Docs 23, 30, 63), hereby appeals to the United States Court of Appeals for the Eleventh Circuit from the Final Judgment (Doc 151) entered in this action the 31st day of January, 2011, to review (1) the non-final Order of this Court (Doc 37, filed April 23, 2010) denying Smith's pro se FRCP motion (Docs 23, 30) to intervene as a party defendant in defense of the Patient Protection and Affordable Care Act, P.L. 111-148 as amended, and to contest the filing of this action in the Pensacola Division rather than the Tallahassee Division of this Court; (2) to review the non-final Order of this Court (Doc 64 filed July 1, 2010) denying Smith's renewed FRCP 24(a) motion (Doc 63 filed June 29, 2010) to intervene as a party defendant for the same purpose; and to review on the merits (3) the Final Judgment itself (Doc 151, Jan 31, 2011, holding the Patient Protection and Affordable Care, P.L. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, P.L. 111-152, to be unconstitutional as beyond the Commerce Clause power and other powers of the United States Congress.

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U.S. DISTRICT CT.
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/s/ Robert P. Smith, Jr.
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Filed 02/28/11 U.S. Dist. Ct. for the Northern District of Florida
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