

1 Donald Williams
44 1/2 S. Division Apt., 37
2 Grand Rapids, MI., 49503

Honorable Robert Holmes Bell
Chief United States District Judge

FILED - GP
06 OCT 30 AM 9:51
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4 ***In The United States District Court***
5 ***For The Western District Of Michigan***
6

7 Donald Williams,) Case No.: 1-06-cv-635
8 Plaintiff,) Appeal To Order Extending Time
9 vs.)
10 Grand Rapids Public Library,)
11 Defendant)

12 **Comes Now**, the Plaintiff Donald Williams, with his Appeal To Order Extending Time.

13
14 **I. APPEAL TO ORDER EXTENDING TIME**

15 ***A. Brief***

16 1. On Friday October 20, 2006 I, Plaintiff, received a "Motion To Extend Time For
17 Filing Responsive Pleading Pursuant To FED.R.CIV.P. 6(b)" from Defendant. On
18 Friday, October 27, 2006 I, Plaintiff, responded to Defendants Motion with an
19 "Opposition Of Motion To Extend Time For Filing Responsive Pleading." On
20 Friday, October 27, 2006 I, Plaintiff, received an ORDER GRANTING
21 EXTENSION OF TIME, from Magistrate Judge Joseph G. Scoville (See Order
22 Granting Extension Of Time attached hereto and made a part of this appeal).

23
24 ***B. Appeal***

25 2. However it may be that Plaintiff is mistaken about FRCP Rule 6(b). It seems to
me, Plaintiff, that magistrate Judge Joseph G. Scoville "ORDER GRANTING

1 EXTENSION OF TIME” is erroneous, premature, and contrary to law. Because
2 Plaintiff has, LCivR 7.3(c) 14 days for a response to a nondispositive motion. In
3 the circumstances of the present case Plaintiff didn’t even receive a fair chance
4 or consideration to responded in 5 days from receipt of Defendants motion
5 exclusive of the day of receipt before the Defendants motion was granted.
6 PLAINTIFF position on Defendants motion was not even considered contrary to
7 law, erroneously.

8 3. This court Erroneously GRANTED extension of time in 4 days, on Thursday,
9 October 26, 2006, contrary to law, due process and equal protection (Const.
10 Amend 14 sec. 1), LCivR 7.3(c), Title 28 Sec. 636(b)(1)(A). Furthermore,
11 according to FRCP Defendant must respond in 20 days not 40 days, FRCP Rule
12 12(a)(1)(A), FRCP Rule 4(a), FRCP Rule 8(d) – See Plaintiff “Opposition Of
13 Motion For Extended Time For Filing Responsive Pleading” previously submitted
14 to this court.

15 4. Plaintiff request Magistrate Judge Joseph G. Scoville “ORDER GRANTING
16 EXTENSION OF TIME” be STRUCK, stricken, from the court docket record as
17 erroneous and contrary to law and Defendant informed of/as to such.

18
19 **WHEREFORE**, Plaintiff prays this Court, STRIKE Magistrate Judge Joseph G. Scoville
20 “ORDER GRANTING EXTENSION OF TIME” from the court docket record and inform
21 Defendant as to such.

22 **II. EFFORT TO COMPLY WITH LCIVR 7.1(d)**

23
24 1. Plaintiff would show the Court that Magistrate Judge Joseph G. Scoville ORDER
25 GRANTING EXTENSION OF TIME is premature, erroneous.

1 2. Plaintiff has, on October 27, 2006, shown this Court and the Defendant an
2 Opposition Of Defendants Motion To Extend Time For Filing Responsive
3 Pleading.

4 3. Plaintiff would show this Court, in good faith, that Plaintiff believes Defendant will
5 object to Plaintiffs Objection To Order Granting Extending Of Time.

6 Dated This Monday, October 30, 2006

7 By:



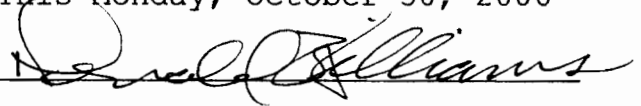
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9 **Donald V. Williams**
10 **44 ½ S. Division St., SE., Apt., 37**
11 **Grand Rapids, MI., 49503**

12 **III. CERTIFICATION OF MAILING**

13
14 I do herby certify that on the 30 day of October, 2006 I
15 mailed a true and correct copy of the above and foregoing instrument to Daniel A.
16 Ophoff, Assistant City Attorney, 620 City Hall, 300 Monroe Ave., NW, Grand Rapids,
17 MI., 49503.

18 Dated This Monday, October 30, 2006

19 By:



20
21 **Donald V. Williams**
22 **44 ½ S. Division St., SE., Apt., 37**
23 **Grand Rapids, MI., 49503**