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MAY 10 2010

United States District Court

U. S. DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
ST. LOUIS

EASTERN DISTRICT OF MISSOURI

GREGORY MCKENNA,

Plaintiff

Vs.

THE ST. LOUIS COUNTY POLICE DEPARTMENT,

Case No. 4:09cv1113CDP

OFFICERS CHARLES BOSCHERT, KENNETH

WILLIAMS, 8 UNKNOWN AGENTS OF THE

FEDERAL BUREAU OF INVESTIGATION,

**JURY DEMANDED**

MARK KAPPELHOFF, APPLE INC., A-1

PRIVATE INVESTIGATIONS, TIMOTHY

BONINE, D'ANGELO AUTOMOTIVE,

Defendants

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PLAINTIFF'S MOTION FOR AN EXTENSION OF TIME TO FILE AN APPEAL

COMES NOW, pro se Plaintiff Gregory McKenna, and for his Motion For An Extension of Time To File an Appeal pursuant to Rule 5(A), Plaintiff states the following claims:

1. On January 4, 2010, Judge Catherine Perry filed a sua sponte Judgment that dismissed Plaintiff's Complaint against the Defendants. Under Federal Rule of Appellate Procedure 4(a)(1)(B), a party in a civil suit has 60 days from the entry of judgment within which to file a notice of appeal, if "the United States or its officer or agency is a party." Accordingly, Plaintiff had until March 5, 2010 to file a notice of appeal.

2. On March 17, 2010, Plaintiff filed his Motion to Disqualify Judge Catherine Perry for prejudicial acts committed against him. In his Motion, Plaintiff requested that the Court amend Judge Perry's Judgment and grant injunctive relief for "the continued Constitutional and statutory rights violations, Mafia crimes, and treason against the United States" (See Plaintiff's

Motion to Disqualify, p.28, ¶ 3). Judge Perry accepted Plaintiff's Motion but denied it on April 7, 2010 by stating, "...the proper recourse for a dissatisfied litigant is appeal." As a result of Judge Perry's decision to deny Plaintiff's Motion to Disqualify, Plaintiff was forced to file outside of time his Motion For An Amended Judgment on April 16, 2010, which was subsequently denied by Judge Perry on April 20, 2010.

3. Pursuant to Federal Rules of Appellate Procedure Rule 4(a)(4)(A)(v), if a party files in the district court a motion to alter or amend the judgment under Rule 59, the time to file an appeal runs for all parties from the entry of the order disposing of the last such remaining motion. In lieu of Judge Perry's Orders that denied Plaintiff's Motions to Disqualify and to Amend on April 7 and 20, Plaintiff had until May 7 and 20 to appeal the rulings.

4. Pursuant to Rule 5(A)(ii), the district court may extend the time to file a notice of appeal if *regardless of whether a party's motion is filed before or during the 30 days after the time prescribed by Rule 4(a)(4)(A) expires*, that party shows excusable neglect or good cause. In accord with the language used in Rule 5(A)(ii), the term "regardless" entails that the Court may extend the time to file a Notice of Appeal after the 30 days prescribed by Rule 4(a) expires.\*

5. Plaintiff intends to appeal Judge Perry's denial of his Motion to Disqualify and her Judgment but is in need of an extension of time due to the continuing obstruction of justice and extraordinary circumstances of this case. Plaintiff worked diligently pursuant to 28 USC § 455 to timely file his Motion to Disqualify on March 17 to end the continuing Mafia crimes and malicious law enforcement neglect. Plaintiff explained in detail the proper procedure by which Judge Perry ought to have disqualified herself and amended her Judgment. Particularly, Judge

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\* The language used in Rule 5(A)(ii) negates Rule 5(A)(i) and does not state that a party has only 30 days to file for an extension in cases when excusable neglect or good cause is shown. Therefore, Plaintiff can file his Motion For An Extension outside of time.

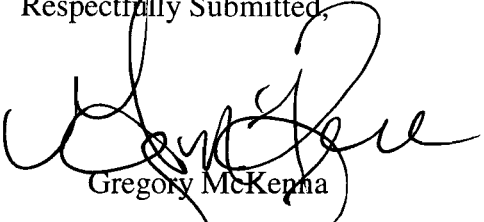
Perry ought to have disqualified herself when she showed acute prejudice through her Judgment and subsequent refusal to end the Mafia crimes despite Constitutional norms and her mandatory duty to act pursuant to 18 USC § 4 (misprision of felony), 18 USC § 3041 (power of courts and magistrates), 18 USC § 2382 (misprision of treason), 18 USC § 2521 (injunction against illegal communications), 28 USC § 1361 (action to compel an officer to perform her duty), and other statutes. Although Judge Perry ruled, “Adverse judicial rulings... ‘almost never’ constitute a valid basis for recusal”... [and] the proper recourse for a dissatisfied litigant is appeal” (See Judge Perry’s Memorandum and Order entered on April 7, 2010) (quoting *Litekey v. United States*, 510 U.S. 540, 555 (1994)), a judge’s opinion constitutes a basis for a bias or partiality motion “when they display a deep-seated favoritism or antagonism that would make a fair judgment impossible.” *Id.* at 114 S.Ct at 1157. Accordingly, Judge Perry ought to have recused herself and amended her Judgment but acted in contravention to statutory and common law authority.

6. Plaintiff was further obstructed from filing his Notice of Appeal when the Defendant law enforcement officials continued to maliciously neglect their affirmative duty to protect despite knowledge of the crimes. Consequently, Plaintiff worked diligently to end the Mafia crimes through his complaints with the Beverly Hills Police Department, Mayor of Beverly Hills, US Congressmen, and the President. However, where Plaintiff initiated complaints with the BHPD on or around January 8, 2010 (see Exhibit 1), Sergeant Publicker and Lieutenant Seeger of the BHPD stated on or around April 17 and May 5 that the City of Beverly Hills doesn’t have the resources to end the Mafia crimes and the Mafia’s use of illegal communication devices is a federal matter. Therefore, the continuing Mafia crimes delayed Plaintiff’s ability to file his Notice of Appeal on time.

7. In addition to the obstruction, Plaintiff is not an attorney and must act pro se in this case because civil rights attorneys in St. Louis refused to offer assistance due to their alleged unfamiliarity with law enforcement neglect cases. According to several St. Louis civil rights attorneys, their expertise is limited only to cases of Police brutality, excessive use of force, false arrest, and illegal search and seizure. Therefore, Plaintiff is forced to act pro se in this case and does not possess the same expert knowledge, skill, and experience as a licensed practicing attorney. Therefore, Plaintiff should not be held to the same standard as an attorney familiar with the cases, statutes, and Federal Rules of Appellate Procedure.

WHEREFORE, as a result of the continuing Mafia crimes, malicious law enforcement neglect, and lack of legal assistance, Plaintiff was wrongfully obstructed from timely filing his Notice of Appeal. The obstruction of justice satisfies the requirements for excusable neglect or good cause inherent in Rule 5(A)(ii). Therefore, pursuant to Federal Rules of Appellate Procedure Rule 5(A), Plaintiff respectfully requests that this Court grant his Motion For an Extension of Time to File His Notice of Appeal.

Respectfully Submitted,



Gregory McKenna

Pro Se Plaintiff

9937 Young Drive, H

Beverly Hills, CA 90212

(310) 493-4990

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 6 day of May, 2010 a true and accurate copy of Plaintiff's Motion For Extension of Time to File His Notice of Appeal will be forwarded to the Defendants, via first-class mail, postage prepaid, to:

- 1) Defendants the St. Louis County Police Department, Officers Charles Boschert, & Kenneth Williams, 41 North Central, Clayton, Missouri 63105;
- 2) Defendant Unknown FBI Agents and Mark Kappelhoff, US Attorney's Office, 111 South 10<sup>th</sup> Street, #20.333, St. Louis, MO 63102;
- 3) Defendant Apple Inc. represented by Thompson Coburn LLP, Kathy A. Wisniewski & John W. Rogers, One Bank Plaza, St. Louis, MO 63101;
- 4) Defendant D'Angelo Automotive represented by Childress Ahlheim Cary, Thomas Lewis, 1010 Market Street, Suite 500, St. Louis, MO 63101.

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**JURY DEMANDED**

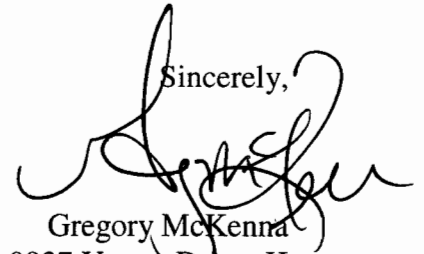
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PLAINTIFF'S NOTICE TO THE CLERK OF COURT

1. On May 5, 2010, pro se Plaintiff Gregory McKenna filed his Motion For An Extension of Time To File An Appeal. Immediately after filing his Motion, Plaintiff discovered an edited page was missing from his Motion.

WHEREFORE, Plaintiff resubmits his corrected Motion For An Extension of Time To File An Appeal. Plaintiff's newly submitted copy should void his former Motion.

Sincerely,



Gregory McKenna  
9937 Young Drive, H  
Beverly Hills, CA 90212  
(310) 493-4990

# Exhibit 1

Gregory McKenna

9937 Young Drive, H

Beverly Hills, CA 90212

(310) 493-4990

Beverly Hills Police Department

Attention: Sergeant Publicker

464 North Rexford Drive

Beverly Hills, CA 90212

March 5, 2010

Dear Sergeant Publicker,

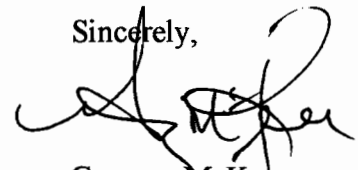
The purpose of this letter is to inform you of a complaint that I attempted to file with the Beverly Hills Police Department (BHPD) that was wrongfully neglected by officers McClafferty, Balleweg, and detective Chilson. After speaking with you over the phone on or around January 8, 2010 about an Italian Mafia extortion conspiracy occurring in Beverly Hills, you advised me to file a complaint at the front desk. When I attempted to file my complaint with officers McClafferty and Balleweg on January 18, the officers refused to file a police report and referred me to detective Chilson. I proceeded to submit my complaint to detective Chilson on January 19 via US Postal Mail and left messages over the telephone the week of January 25 but was maliciously ignored. Because of the unlawful neglect, the Mafia stalking, extortion threats, and

exaction has continued. Albeit I contacted your office via telephone on February 5 and 26 to complain of the officers' neglect, I have not received any phone calls from your office.

Because the Mafia crimes are currently continuing, an investigation is needed to help end the Mafia crimes. In lieu of the BHPD's duty to protect and my reliance on the Police for protection of my rights, I am requesting that the BHPD cooperate and investigate the matter to help end the Mafia crimes. The BHPD's willful neglect to prevent the crimes despite knowledge of their commission is a criminal offense in the United States. Accordingly, I will attempt to contact you the week of March 8 to discuss opening an investigation and putting an end the criminal conspiracy.

If you have any questions or comments in the meantime, please don't hesitate to contact me. Thank you for your attention to this matter.

Sincerely,



Gregory McKenna

bc: Chief Snowden, Mayor Delshad, GM



Gregory McKenna  
9937 Youngs Dr, H  
LA, CA 90212

LOS ANGELES CA

07 MAY 2010 PM



US District Court  
Attn: Clerk's Office  
111 South 10th Street  
St. Louis, MO 63102

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