

**RECEIVED
BY MAIL**JUN 07 2010 **United States District Court**U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS
EASTERN DISTRICT OF MISSOURI**GREGORY MCKENNA,****Plaintiff****Vs.****THE COUNTY OF ST. LOUIS, OFFICERS CHARLES****Case No. 4:09cv1113CDP****BOSCHERT, KENNETH WILLIAMS,****8 UNKNOWN AGENTS OF THE FEDERAL****BUREAU OF INVESTIGATION, MARK****JURY DEMANDED****KAPPELHOFF, APPLE INC., A-1 PRIVATE****INVESTIGATIONS, TIMOTHY BONINE, D'ANGELO****AUTOMOTIVE, CATHERINE PERRY****Defendants**

PLAINTIFF'S NOTICE OF APPEAL

Comes now, *pro se* Plaintiff Gregory McKenna, with this Notice of Appeal of all parts relevant to him of this Court's Orders contained in Documents #55, 56, 63, 65 and 68 on the U.S. District Court's Docket. This is a Notice of Appeal, filed by a *pro se* plaintiff, of a Rule 12(b)(6) and 12(b)(1) *sua sponte* dismissal imposed on him by the U.S. District Court, a denial of his Motion to Disqualify, Motion for an Amended Judgment, Motion for Extension of Time and a pending Motion for Relief from Judgment in a politicized case wherein the Plaintiff is a continued victim of stalking, extortion, exaction, and torture by members of the Italian Mafia as a direct and proximate result of Judge Catherine Perry's decision to allow the Defendants to maliciously neglect the Mafia crimes happening to him in an act of treason, conspiracy, aiding and abetting, obstruction of justice, misprision of felony, and other criminal violations of law.

In regards to the U.S. District Court's Docket Documents #55 and 56, this Court's order of January 4, 2010, dismissing Plaintiff's Complaint (Docket #1) and denying Plaintiff's Documents #21, 26 and 27, the undersigned files his notice of appeal with regard to all negative comments, adverse findings of fact, or conclusions of law regarding the dismissal of this lawsuit, the denial of Plaintiff's Motion for Emergency Injunction, and denial of Plaintiff's Motion for Default Judgment against Defendants Mark Kappelhoff and Timothy Bonine.

In regards to Document #63, entered on April 7, 2010, this Court's Order denying Plaintiff's Document #60, the undersigned again appeals not the result of the order, but only the Court's decision to deny disqualification and all such other paragraphs of the order including adverse findings of fact, conclusions of law, and prejudicial assessments of the undersigned.

In regards to Documents #65 and 68, entered on April 20 and May 12, 2010, this Court's Order denying Plaintiff's Documents #64 and 67, the undersigned appeals the Court's decision to deny Plaintiff's Motions for an Amended Judgment and an Extension of Time and all paragraphs including adverse findings of fact and conclusions of law. Although the Court denied his Motion for Extension of time, Plaintiff's showing of "excusable neglect" or "good cause" in accord with Rule 5(A)(ii) when filing his Motion for an Extension of Time allowx him to file his Notice to Appeal of the January 4th Judgment on time.

Plaintiff also intends to appeal any adverse findings of fact or conclusions of law made by the Court in response to his Motion for Relief from Judgment. Plaintiff is seeking relief under Rule 60(b)(1), (4), (5), and (6) and is currently awaiting the District Court's decision to grant or deny his Motion for Relief from Judgment.

On Appeal, the undersigned will seek to show how this Court's orders determining the questions of "Due Process," "standing," "merit," "liberally construed pleadings," "class of one

animus,” “deliberate deprivation rule,” “discovery rule,” “continuing wrongs doctrine,” and “extrajudicial prejudice” were not only manifestly incorrect, but showed a failure to review the Plaintiff’s findings in this case, so that the findings were in NO sense time-barred, frivolous, devoid of merit, or patently unsubstantial. Aside from this Court’s malicious neglect of criminal acts and Constitutional rights violations continuing against private citizens allowed by Government officials, Plaintiff provided clear and convincing evidence of the Italian Mafia terrorizing communities across the United States through the illicit bugging of public and private property for the purpose of persecuting the Plaintiff in plain view as law enforcement officers witness the crimes but willfully and knowingly allow them to continue despite their affirmative duty to enforce the laws. Plaintiff provided the Court with audio and video recordings of death threats, sleep deprivation, and torture from bugged electronic devices, positive bug sweep confirmations, and expert witness testimony from a licensed clinical therapist to prove damages caused by the Defendants wrongfully acting to abet and criminally neglect the crimes. Plaintiff also proffered expert witness testimony from a technical surveillance counter-measures (TSCM) specialist who’s report was furnished to prove that the Mafia is currently using illegal communication devices to stalk, extort, and torture him. The evidence of new and reoccurring crimes was not only sufficient to grant an emergency injunction pursuant to the Communications Act and other statutory law, but proved Plaintiff is a victim of Constitutional rights violations being allowed by Government officials maliciously neglecting their duty to protect citizens in an effort to accede power to enemies of the United States in an act of treason. Accordingly, Judge Perry should have forwarded the Complaint, exhibits, and documents to the President, FBI, Police, District Attorney, Attorney General of Missouri and California, and US Attorney General for criminal investigation and prosecution of all the Defendants for criminal neglect, conspiracy,

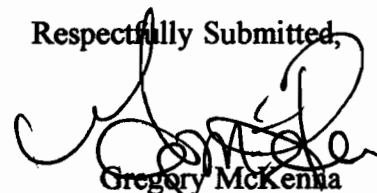
defrauding the United States, aiding and abetting, treason, and other charges that might be warranted at the end of the investigation.

The undersigned is hopeful that this honorable court, 8th Circuit Court of Appeals in St. Louis, Missouri, will show concern for the National Security of this Nation, the Constitution, as well as standards of human decency and not only will reverse the order of dismissal, denial of injunction and default judgment, but will *sua sponte* forward this matter for further investigation to proper authorities or will remand the case to the District court to allow the undersigned to conduct necessary discovery to prove that the case was not frivolous and dismissal was not warranted.

In this appeal, the undersigned will address the critical questions omitted by the court, to show that the Court appears never even to have considered, much less addressed or ruled upon, the Plaintiff's original key question of whether law enforcement officials have a right to maliciously neglect a citizen's peril despite knowledge of continuing injuries, violent crimes, Constitutional rights violations, treason against the Government by terrorists, and a citizen's reliance on the Government for assistance, and therefore, is not a matter of federal question.

Date: June 2, 2010.

Respectfully Submitted,



Gregory McKenna
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EASTERN DISTRICT OF MO
ST. LOUIS

EASTERN DISTRICT OF MISSOURI

GREGORY MCKENNA,

Plaintiff

Vs.

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8 UNKNOWN AGENTS OF THE FEDERAL
BUREAU OF INVESTIGATION, MARK
KAPPELHOFF, APPLE INC., A-1 PRIVATE
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Defendants

Case No. 4:09cv1113CDP

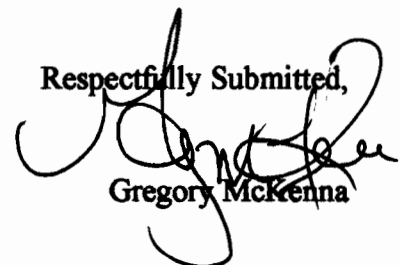
JURY DEMANDED

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 2 day of June, 2010, a true and accurate copy of Plaintiff's Notice To Appeal should be forwarded to the Defendants, via first-class mail, by the Clerk of Court, postage prepaid, to:

- 1) Defendants the St. Louis County Police Department, Charles Boschert, & Kenneth Williams represented by the St. Louis County Counselor's Office, Robert, Moore, 41 S. Central Avenue, St. Louis, Missouri 63105;
- 2) Defendant the FBI, US Attorney's Office, 111 South 10th 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 St., Suite 500, St. Louis, MO 63101.

Respectfully Submitted,



Gregory McKenna