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CLERK, U.S. DISTRICT COURT  
DISTRICT OF MONTANA  
MISSOULA

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

MICHAEL E. SPREADBURY	)	Cause No: CV-11-64-DWM-JCL
Plaintiff	)	
v.	)	
BITTERROOT PUBLIC LIBRARY,	)	<b>JOINT RESPONSE TO</b>
CITY OF HAMILTON,	)	<b>DEFENSE IN RE:</b>
LEE ENTERPRISES, INC.,	)	<b>2<sup>ND</sup> AMENDED</b>
BOONE KARLBERG, PC,	)	<b>COMPLAINT</b>
_____	)	

Comes now Spreadbury with response to Defendant Lee Enterprises Inc.,  
Defendant City, Defendant Public Library with respect to 2<sup>nd</sup> Amended Complaint  
approved by US District Court for Montana.

Brief in Support

Spreadbury has no control US Constitution not upheld in US District Court.

In 2<sup>nd</sup> Amended complaint (TR.#10) Spreadbury properly pleads deprivation of established right by Defendants in color of law actionable by 42 USC§1983 in US District Courts. Magistrate Judge, US District Judge with bias before Spreadbury by failure to recuse under 28 USC §455 *et. seq.* when conflict, paid conflict before Honorable Court.

Spreadbury reserves answers to Defendant initial answers to complaint in TR.# 23 to Defendant Lee, initial answer to City, Library Defendants in aforementioned. US District Judge affirmed defamation for Defendant City Mayor, and July 9, 2010 article from Defendant Lee Enterprises; ignored imputing crime by Defendant Boone Karlberg 18 USC§912 as FBI agent in pleadings before this court.

Federal Jurists in US District Court for Montana further refuse to uphold oath to uphold US Constitution, out of Spreadbury's control. Peaceful assembly on public property protected Amendment 1 US Constitution *Hague v. CIO 307 US 496 (1939)*. Defense failed to plead functional analysis of immunity of Defense actors, yet US District Judges in aforementioned compel discovery, court costs from Spreadbury as pro se IFP before this court *Forrester v. White 484 US 219 (1988)* *Morley v. Walker 175 F. 3d. 756 (9<sup>th</sup> Cir. 1999)*. Procedural due process deprived by Defendant Public Library not upheld by US District Court *Mathews v. Eldridge 424 US 319 (1976)* , *Paul v. Davis 424 US 693 (1976)*.

The Due Process clause not upheld by the US District Court for Montana, which states “No State shall make or enforce a law which shall abridge the privileges or immunities of citizens of the United States...” protected in *Amendment 14 US Constitution*. Parties to case note: sitting on public property is protected activity, *US Amendment 1, US Constitution*.

The protection to newspapers in Montana of a court hearing as protection for Defendant Lee Enterprises fails with respect to the Due process clause contained in the US Constitution, not upheld in the US District Court for Montana. Defendants under color of law City, Public Library, Defendant Lee Enterprises conspired to deprive Spreadbury peaceful assembly, in aforementioned in conspiracy with Defendant Boone Karlberg.

Likewise the privilege found in Montana Code Annotated MCA §27-1-804 (what Communications Privileged) pled by Defendant Boone Karlberg precluded by equal protection clause not upheld by US District Court due to bias, extensive corruption, worst ranking for justice: no US Constitution in State of Montana [US DOJ 2007].

The Website [www.RavalliRepublic.com](http://www.RavalliRepublic.com) is a proprietary site of Defendant Lee Enterprises and their newspaper The Ravalli Republic, a Defendant in this case.

The main function of the Ravalli Republic is to *publish* news stories as a

newspaper. The public cannot obtain internet services from the Ravalli Republic Newspaper, and therefore is not an internet services corporation protected in 47 USC §230 et. seq. a bias of the US District Court in the aforementioned.

The publisher of a newspaper where the statement originally appeared may be held liable even without notice (from the damaged party) *Barrett v. Rosenthal 146 P. 3d 510 Cal Supra (2006)*.

Public comments from Defendant Ravalli Republic article September 2009 imputed severe psychological illness a defamatory per se liability for Defendant Lee Enterprises, recognized US Magistrate Lynch in the aforementioned prior what appears to be a reversal; more evidence of bias towards Spreadbury.

In the *Batzel* court, the 9<sup>th</sup> Circuit Court of Appeals stated:

Congress decided not to treat providers of interactive computer services like other information providers such as newspapers, magazines or television and radio stations, *all of which may be held liable for publishing or distributing obscene or defamatory material written by others* [emphasis added].

Batzel v. Smith 333 F. 3d at 1026 (9<sup>th</sup> Cir., 2003)

Spreadbury pleads erroneous legal reasoning in US District Court for Montana in aforementioned as US Constitution, established US Supreme Court, Circuit precedent not upheld Rucker v. Davis 237 F. 3d at 1118 (9<sup>th</sup> Cir 2001).

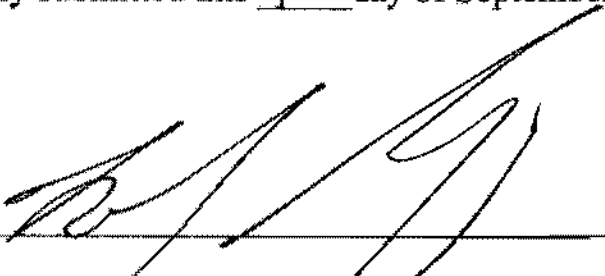
US District Court ignores fraud properly pled in aforementioned: Defendant Public Library protected with litigation expenses as ineligible for such (TR.# 29). FRCP 9(b) fraud; evidence of civil conspiracy under color of law between Defendant Boone Karlberg, Public Library, City. US Court refuses to break up fraudulent litigation representation of Defendants defrauding public, court, Spreadbury.

Spreadbury preserves all pleadings before District Court for appeal.

Certificate of Compliance

From LR 7(d)(2)(E) US District Court Rules Montana, I certify that this brief conforms with 14 point font, New Times Roman typeface, is double spaced, contains 653 words excluding title page, this compliance.

Respectfully submitted this 1<sup>st</sup> day of September, 2011

BY:   
Michael E. Spreadbury, Self-Represented Plaintiff