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**FILED**

**NOV 16 2011**

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By \_\_\_\_\_  
DEPUTY CLERK, 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>MOTION FOR</b>
CITY OF HAMILTON,	) <b>AUTHORITY TO DENY</b>
LEE ENTERPRISES, INC.,	) <b>PEACEFUL ASSEMBLY</b>
BOONE KARLBERG, PC,	)
_____	)

Comes now Plaintiff with pleading to move court for authority used to deny fundamental right of peaceful assembly on public property August 20, 2009.

Motion:

Plaintiff moves court to cite reasons, controlling authority to deny fundamental right to peaceful assembly on public property of Bitterroot Public Library.

Brief in Support

Plaintiff engaged in peaceful assembly August 20, 2009 on public property of Defendant Bitterroot Public Library (BPL) *Hague v. CIO 307 US 4 (1939)*.

Director Langstaff of the BPL testified under oath that no Defendant Public Library staff asked Spreadbury to leave the Library. Defendant Snavelly did not ask Spreadbury to leave public space, although accused Spreadbury of trespassing. Library privileges are established in Montana Code Ann. MCA§22-1-311 (Use of library-privileges) as a patron must be willfully violating the rules to have privileges removed with due process *Amendment 14, US Constitution*.

Defendant Lee uses privilege MCA§ 27-1-804 et. seq. of court proceeding for protection on writing excessively and sending trespass story to Associated Press on or around August 20, 2010. Due process clause 14 Amendment US Constitution says no law can be enforced that abridges Spreadbury right to peacefully assemble *1<sup>st</sup> Amendment US Constitution*. City of Hamilton Defendants Bell, Lint, Snavelly, Murphy in prosecuting, investigating, and accusing crime under protected activity have no qualified immunity as defense actors in the aforementioned *Anderson v. Creighton 483 US at 639 (1987) citing Mitchell v. Forsyth 472 US 511(1985)*.

As Spreadbury was never asked to leave Public Library, never violated rules, peacefully assembled on public property August 20, 2009 this court must cite reasons to deny fundamental right in a cause of action for 42 USC §1983.

Spreadbury has pled within affidavit pg 6 #27 served October 6, 2011 before this court that property at Defendant Public Library NE Cor. 306 State St. Hamilton MT 59840 USA is public property. Peaceful assembly protected as fundamental right in public park *Hague (1939)*. Plaintiff asks court for controlling authority which lawfully deprives Spreadbury right to assemble on public property.

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 334 words excluding title page, this compliance.

Respectfully submitted this 14<sup>th</sup> day of ~~September~~<sup>November</sup>, 2011

BY: \_\_\_\_\_

Michael E. Spreadbury, Self Represented Plaintiff