

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

AARON TOBEY,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 3:11cv154-HEH
)	
JANET NAPOLITANO, et al.,)	
)	
Defendants.)	
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NOTICE OF APPEAL

Notice is hereby given that Rebecca Smith and Terri Jones,* defendants in the above-styled case (No. 11-cv-154), hereby appeal to the United States Court of Appeals for the Fourth Circuit from the order partially denying their motion to dismiss based on qualified immunity, entered in this action on the 30th day of August, 2011.

DATED this 28th day of October, 2011.

Respectfully submitted,

NEIL H. MACBRIDE
UNITED STATES ATTORNEY

By: /s/
Robin P. Meier
Virginia State Bar #65825
Attorney for Defendant
Office of the United States Attorney
600 East Main Street, Suite 1800
Richmond, Virginia 23219

* Pursuant to the Stipulated Protective Order entered in this case on May 27,2011, this Notice employs pseudonyms for Defendants Smith and Jones. A copy of Plaintiff's First Amended Complaint disclosing Smith and Jones's true identities has been filed under seal with the Court.

(804) 819-5400 (phone)
(804) 819-7417 (fax)
robin.p.meier2@usdoj.gov

TONY WEST
Assistant Attorney General

SANDRA M. SCHRAIBMAN
Assistant Branch Director

CARLOTTA P. WELLS
Senior Trial Counsel
U.S. Department of Justice
Civil Division, Federal Programs Branch
P.O. Box 883
Washington, D.C. 20044
(202) 514-4522 (telephone)

Attorneys for Defendants Smith and Jones

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of October, 2011, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

Alan C Veronick alan.veronick@aporter.com

Anand Agneshwar anand.agneshwar@aporter.com

Belinda Duke Jones bjones@cblaw.com

Henry Irving Willett , III hwillett@cblaw.com, lblacka@cblaw.com,
rrandolph@cblaw.com

James Jeffrey Knicely jjk@knicelylaw.com, Alan.Veronick@APORTER.COM,
Anand.Agneshwar@APORTER.COM, douglasm@rutherford.org

Paul Wilbur Jacobs , II pjacobs@cblaw.com

By: /s/ _____
Robin P. Meier
Virginia State Bar #65825
Attorney for Defendant
Office of the United States Attorney
600 East Main Street, Suite 1800
Richmond, Virginia 23219
(804) 819-5400 (phone)
(804) 819-7417 (fax)
robin.p.meier2@usdoj.gov