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

AARON TOBEY,)
Plaintiff,)
v.)
JANET NAPOLITANO, et al.,)
Defendants.)

Civil Action No. 3:11cv154-HEH

NOTICE OF APPEAL

Notice is hereby given that Jane Doe,¹ a defendant in the above- styled case (No.

11-cv-154), hereby appeals to the United States Court of Appeals for the Fourth Circuit from the

order partially denying her motion to dismiss based on qualified immunity, entered in this action

on the November 15, 2011.

Dated this 28th day of November, 2011.

Respectfully submitted,

/s/

NEIL H. MACBRIDE UNITED STATES ATTORNEY

By:

Robin P. Meier Virginia State Bar No. 65825 Assistant United States Attorney United States Attorney's Office 600 East Main Street, Suite 1800 Richmond, Virginia 23219 Telephone: (804) 819-5400

¹ Pursuant to the Stipulated Protective Order entered in this case on May 27,2011, this Notice employs a pseudonym for Defendant Doe. A copy of Plaintiff's Second Amended Complaint disclosing Doe's true identity has been filed under seal with the Court.

Facsimile: (804) 819-7417 Email: Robin.Perrin2@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 Federal Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of November, 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 Veronickalan.veronick@aporter.comAnand Agneshwaranand.agneshwar@aporter.comBelinda Duke Jonesbjones@cblaw.comHenry Irving Willett, IIIhwillett@cblaw.com, https://doi.org/lblacka@cblaw.com,James Jeffrey Knicelyjjk@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