

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

STEWART A. WEBB

Plaintiff,

v.

Case No: 09-2603

HON. JUDGE KATHRYN H. VRATIL, in her

Official capacity as Chief Judge

for the United States District Court for Jury Trial Requested

the District of Kansas

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF KANSAS

Defendant,

PLAINTIFF'S NOTICE OF APPEAL

Comes now the plaintiff Stewart A. Webb appearing *pro se* and makes the following notice of appeal of the trial court of Hon. Judge Fernando J. Gaitan Jr.'s December 14, 2009 order dismissing the plaintiff's action:

1. Hon. Judge Fernando J. Gaitan Jr.'s denial of the plaintiff's Rule 59 Motion for New Trial, and the issues raised in the Rule 59 motion including:
2. The trial court of Hon. Judge Fernando J. Gaitan Jr.'s denial of the plaintiff's *in forma pauperis* status in direct violation of the US Supreme Court's overturning of the Tenth Circuit Court of Appeals in *Erickson v. Pardus*, 511 U.S. 9 (2007) on materially the same facts;
3. The trial court of Hon. Judge Fernando J. Gaitan Jr.'s *sua sponte* dismissal of the plaintiff's cause as Hon. Judge Fernando J. Gaitan Jr. had in *David Martin Price v. Kathryn H. Vratil, et al.*, No. 09-2198¹ in direct violation of the US Supreme Court in *Taylor v. Sturgell* where the court specifically held that "...such „nonparty preclusion“ runs up against the „deep-rooted historic tradition that everyone should have his own day in court.“” *Taylor v. Sturgell* 553 U.S. ____ (2008).
4. The Hon. Judge Fernando J. Gaitan Jr.'s determination of mootness of the plaintiff's Motion for Summary Judgment and memorandum of controlling law supported by over 80 factual exhibits which cannot be frivolous and entitles the plaintiff to the relief he seeks and was unopposed by the defendants
5. The memorandum in support of the plaintiff's motion for summary judgment specifically gave Hon. Judge Fernando J. Gaitan Jr. evidence of federal felony crimes being committed by State of Kansas officials to violate Civil Rights and injury to similarly situated individuals who were retaliated against through extrinsic fraud over federal court proceedings to meet the burden of proving the 1st and 2nd criteria for injunctive relief under *Kansas Hospital Association v. Whiteman*, 835 F. Supp. 1548, 1551-2 (D.Kan. 1993).

The plaintiff is living below poverty on federal food stamp assistance and the dismissal of his complaint while stated as without prejudice in actuality prevents the plaintiff from obtaining redress and if not overturned is effectively a final judgment on the plaintiff's claims.

¹ The *Price v. Judge Vratil et al* case is on appeal before the Tenth Circuit and in

related Habeas Corpus appeals, the State of Kansas Court has interfered with and obstructed justice to prevent David Martin Price from briefing the Tenth Circuit by criminally intercepting David Martin Price's clearly marked legal correspondence from the Shawnee County, Kansas Jail a recorded audio admission of which by the Jail Director is in possession of the Tenth Circuit.

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Respectfully submitted,
S/ Stewart A. Webb
Stewart A. Webb
Pro se Federal Whistleblower
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913-952-0846
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The Below Public url links are documents electronically filed with Motion for reconsideration And Motion for Summary Judgement. Case No. 09-2603 Kansas

This may be of help to the Court in understanding the Criminal Nature of the Bush-Millman-Lindner-Clinton Crime Syndicate being Charged below.

Case No. 95-y-107 Colorado

Interrelated Federal Grand Jury Demand Case No. 95-y-107 Judge Richard Matsch U.S. District Court for the District of Colorado

See: <http://www.stewwebb.com>

Below Filed electronically through ecf under motion for reconsideration case #09-2603

As attached exhibits Stew Webb Federal Grand Jury Demand Case No. 95-y-107 District of Colorado

Public:

http://www.stewwebb.com/stew_webb_grand_jury_demand_vs_bush_millman_clinton_etal_09142009.htm

http://www.stewwebb.com/95Y107-Pg1_JPG.htm

http://www.stewwebb.com/savings_and_loan_whistleblower_faces_federal_charges_091692.gif

<http://www.stewwebb.com/Secret Documents Order of Dismissal Aug 93 92 CR 356.jpg>

http://www.stewwebb.com/Bush_Millman_Clinton_Lindner_Crime_Family_Flow_Chart1.jpg

<http://www.stewwebb.com/Inside The Bush Crime Family Part2.htm>

<http://www.stewwebb.com/Inside The Bush Crime Family Part1.htm>

http://www.stewwebb.com/stew_webb_vs_bush_millman_lindner_clinton_crime_syndicate_122009.htm

http://www.stewwebb.com/dc_hilton_ritz_carlton_used_for_congressional_child_sex.htm

http://www.stewwebb.com/Abramoff_sex_spy_ring.htm

http://www.stewwebb.com/agents_say_foley_scandal_tip_of_iceberg.htm

Case No. 09 2608 Public Record

<http://sites.google.com/site/stewwebbvjudgevratil/>

http://www.stewwebb.com/webb_petition_112409.htm

http://www.stewwebb.com/AFFIDAVIT_IN_SUPPORT_OF_STEWART_WEBB_11242009.htm

http://www.stewwebb.com/chambers_copy_for_magistrate_waxse.pdf

http://www.stewwebb.com/chamber_copy_for_judge_marten.pdf

http://www.stewwebb.com/civil_docket_stew_webb_vs_case_sealed_12082009_case_209_cv_02603_fjg.pdf

http://www.stewwebb.com/the_case_is_not_under-seal_12122009.htm

http://www.stewwebb.com/prevent_frauds_USDOJ_12132009.htm

http://www.stewwebb.com/plaintiffs_motion_for_summary_judgment_11302009.pdf

http://www.stewwebb.com/plaintiffs_memorandum_for_summary_judgment_11302009.pdf

http://www.stewwebb.com/service_of_motion_for_summary_judgment_on_eric_holder_11292009.pdf

http://www.stewwebb.com/service_of_motion_for_summary_judgment_on_james_duff_11292009.pdf

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http://www.stewwebb.com/service_of_motion_for_summary_judgment_on_thomas_perez_11292009.pdf

http://www.stewwebb.com/barack_obama_official_notice_18_USC_4_federal_reporting_crime_act_12072009.htm

[http://www.stewwebb.com/bret_landrith_vs_\\$1.3_trillion_dollar_bush_hospital_supply_frauds_12072009.htm](http://www.stewwebb.com/bret_landrith_vs_$1.3_trillion_dollar_bush_hospital_supply_frauds_12072009.htm)

http://www.stewwebb.com/two_dead_u_s_attorneys_john_ashcroft_gets_paid_off.htm

http://www.stewwebb.com/senate_ignored_5_texas_us_attorney_death_and_firings.htm

http://www.stewwebb.com/texas_us_attorney_deaths_raise_foul_play_questions.htm

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http://www.stewwebb.com/samuel_lipari_vs_general_electric_bush_rico_judge_fernando_Gaitan_Jr_12112009.htm

http://www.stewwebb.com/kansas_secedes_from_the_united_states_072109.htm

http://www.stewwebb.com/man_accused_practicing_law_without_a_license_speaks_out_11092009.htm

CERTIFICATE OF SERVICE

I hereby certified I have served the above motion on opposing parties by filing the motion December 23rd , 2009 on the court's ECMF filing system.

And by clerk at ksd_clerks_kansascity@ksd.uscourts.gov

I further certified I have served the Notice of Appeal by US Mail to the following by depositing it in the US Mail with First Class postage affixed:

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S/ Stewart A. Webb

Stewart A. Webb

Pro se Federal Whistleblower

NOTICE OF APPEAL FILING

Received: from 70.14.123.146

(SquirrelMail authenticated user stewwebb@sierranv.net)

by mail.spacestar.net with HTTP;

Wed, 23 Dec 2009 14:03:24 -0800 (PST)

Message-ID: <49296.70.14.123.146.1261605804.squirrel@mail.spacestar.net>

Date: Wed, 23 Dec 2009 14:03:24 -0800 (PST)

Subject: Eelectronic filing Dec 23 2009 3:59pm

From: stewwebb@sierranv.net

To: ksd_clerks_kansascity@ksd.uscourts.gov

Cc: ksd_attorney_registration@ksd.uscourts.gov,
KSD_CMECF@ksd.uscourts.gov,
stewwebb@stewwebb.com

User-Agent: SquirrelMail/1.4.6

MIME-Version: 1.0

Content-Type: multipart/mixed;boundary="-----_20091223140324_91377"

X-Priority: 3 (Normal)

Importance: Normal

Evidence blockage in filing motion for appeal.

Motions

[2:09-cv-02603-FJG Stewart Webb v. Kathryn H. Vratil et al.](#) CASE CLOSED on 12/14/2009

You are not authorized to seal an entry or document.

December 23, 2009

3:59pm Central

Notice of Appeal

I tried to electronically file and was unable to.

Please file my motion

Thank you.

Stew Webb

stewwebb@stewwebb.com

www.stewwebb.com

913-952-0846

Notice of Appeal Filed 4pm December 23, 2009

December 24, 2009

This Notice Of Appeal was sent Wed Dec 23, 2009 at 4pm by email look at the spread on the time doc. Next day

----- Original Message -----

Subject: Activity in Case 2:09-cv-02603-FJG Stewart Webb v. Kathryn H. Vratil et al. Preliminary Record on Appeal Sent

From: KSD_CMECF@ksd.uscourts.gov

Date: Thu, December 24, 2009 5:59 am

To: KSD_CMECF_Security@ksd.uscourts.gov

Return-Path: <ksd_cmecf@ksd.uscourts.gov>

Delivered-To: stewwebb@sierranv.net

Received: (qmail 12894 invoked from network); 24 Dec 2009 13:59:53 -0000

Received: from unknown (HELO web4.sierranv.net) (206.191.194.1)

by bass.spacestar.net with SMTP; Thu, 24 Dec 2009 05:59:53 -0800

Received: from mail by web4.sierranv.net with spam-scanned (Exim 4.69)

(envelope-from <KSD_CMECF@ksd.uscourts.gov>)

id 1NNoHl-0003ec-8B

for stewwebb@stewwebb.com; Thu, 24 Dec 2009 06:03:29 -0800

X-Spam-Checker-Version: SpamAssassin 3.2.5 (2008-06-10) on web4.sierranv.net

X-Spam-Level:

X-Spam-Status: No, score=-3.2 required=5.0 tests=AWL,BAYES_00,HTML_MESSAGE,HTML_MIME_NO_HTML_TAG,MIME_HTML_ONLY,RCVD_IN_DNSWL_MED autolearn=ham

version=3.2.5

Received: from icmecf202.gtwy.uscourts.gov ([208.27.203.70])
by web4.sierranv.net with esmtp (Exim 4.69)
(envelope-from <KSD_CMECF@ksd.uscourts.gov>)
id 1NNoh1-0003eX-2f
for stewwebb@stewwebb.com; Thu, 24 Dec 2009 06:03:25 -0800

X-SBRS: None

X-REMOTE-IP: 156.129.30.214

X-IronPort-AV: E=Sophos;i="4.47,449,1257138000";
d="scan'208";a="53002017"

Received: from unknown (HELO ksdlei.ksd.circ10.dcn) ([156.129.30.214])
by icmecf202.gtwy.uscourts.gov with ESMTP; 24 Dec 2009 08:59:48 -0500

Received: from ksdlei.ksd.circ10.dcn (localhost.localdomain [127.0.0.1])
by ksdlei.ksd.circ10.dcn (8.12.11.20060308/8.12.11) with ESMTP id
nBODxk8Q030414;

Thu, 24 Dec 2009 07:59:46 -0600

Received: (from ecf_web@localhost)
by ksdlei.ksd.circ10.dcn (8.12.11.20060308/8.12.11/Submit) id
nBODxZ6G030382;

Thu, 24 Dec 2009 07:59:35 -0600

Date: Thu, 24 Dec 2009 07:59:35 -0600

X-Authentication-Warning: ksdlei.ksd.circ10.dcn: ecf_web set sender to
KSD_CMECF@ksd.uscourts.gov using -f

MIME-Version: 1.0

From: KSD_CMECF@ksd.uscourts.gov

To: KSD_CMECF_Security@ksd.uscourts.gov

Message-Id: <1946753@ksd.uscourts.gov>

Subject: Activity in Case 2:09-cv-02603-FJG Stewart Webb v. Kathryn H. Vratil
et al. Preliminary Record on Appeal Sent

Content-Type: text/html

X-Antivirus-Scanner: Clean mail though you should still use an Antivirus
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U.S. District Court
DISTRICT OF KANSAS
Notice of Electronic Filing

The following transaction was entered on 12/24/2009 at 7:59 AM CST and filed
on 12/24/2009

Case Name:

Stewart Webb v. Kathryn H. Vratil et al.

Case Number:2:09-cv-02603-FJG

Filer:

WARNING: CASE CLOSED on 12/14/2009

Document Number:

42

Docket Text:

PRELIMINARY RECORD ON APPEAL transmitted to 10CCA re [41] Notice of Appeal
- Final Judgment. (Attachment: # (1) Preliminary Record) (kao)

2:09-cv-02603-FJG Notice has been electronically mailed to:

Stewart A. Webb stewwebb@stewwebb.com

2:09-cv-02603-FJG Notice has been delivered by other means to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1028492125 [Date=12/24/2009] [FileNumber=1946751-
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Document description: Preliminary Record

Original filename:n/a

Electronic document Stamp:

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