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4 Defendant In Pro Per  
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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION  
11

12 UNITED STATES OF AMERICA, )

13 Plaintiff, )

14 v. )

15 GRETCHEN BARLEY, )

16 Defendant. )

No. P426479 EDL; P426497 EDL;  
P293164 EDL; and P166667 EDL

PROTECTIVE NOTICE OF APPEAL  
OF DEFENDANT STEPHEN SAYAD OF  
MAGISTRATE COURT'S DECEMBER 1,  
2004 ORDER RE DEFENDANTS'  
MOTION TO DISMISS

17 \_\_\_\_\_ )  
18 UNITED STATES OF AMERICA, )

19 Plaintiff, )

20 v. )

21 STEPHEN S. SAYAD, )

22 Defendant. )

RELATED ACTION:  
*Ft. Funston Dog Walkers v. Babbitt*,  
96 F.Supp.2d 1021 (N.D. Cal 2000) WHA

23 UNITED STATES OF AMERICA, )

24 Plaintiff, )

25 v. )

26 DONALD KRESELHORST, )

27 Defendant. )  
28 \_\_\_\_\_ )

1 Pursuant to Rule 58(g)(2) of the Federal Rules of Criminal Procedure and Rule 58-2 of  
2 the Northern District of California Criminal Local Rules, Defendant Stephen Sayad hereby  
3 appeals to the United States District Court for the Northern District of California with respect to  
4 the Magistrate Court's December 1, 2004 Order granting defendants' motion to dismiss.

5 Defendant Sayad agrees with the result of Magistrate Judge LaPorte's decision. In the  
6 event Judge LaPorte's decision is reversed on appeal, defendant wishes to cross appeal on the  
7 issues on which he did not prevail before Judge LaPorte.

8 This appeal is based upon Judge LaPorte's decision dismissing citations against defendants  
9 for off-leash dog walking at Crissy Field. In her decision, Judge LaPorte specifically relied upon  
10 the earlier decision of Judge Alsup in *Ft. Funston Dog Walkers v. Babbitt*, 96 F.Supp.2d 1021  
11 (N.D. Cal. 2000) WHA. Accordingly, relating this case to the earlier case of *Ft. Funston*  
12 *Dogwalkers* will promote judicial economy and convenience both to the Court and to the parties.

13  
14 Respectfully submitted,

15  
16 Dated: December 13, 2004

17 \_\_\_\_\_  
18 Stephen Samuel Sayad  
19 Defendant In Pro Per  
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1 PROOF OF SERVICE

2 The undersigned hereby declares/certifies as follows:

3  X  I am: a resident of or employed in the City and County of San Francisco,  
4 California, over 18 years of age, and not a party to the within cause

5 \_\_\_\_\_ I am: an active member of the State Bar of California, whose business address is:

6 On the date hereon I served the following document(s) described as:

7 PROTECTIVE NOTICE OF APPEAL OF DEFENDANT  
8 STEPHEN SAYAD OF MAGISTRATE COURT’S DECEMBER 1, 2004  
ORDER RE DEFENDANTS’ MOTION TO DISMISS

9 on the interested parties in this action by placing a true copy thereof enclosed in a sealed  
10 envelope addressed as follows:

11 Denee A. DiLuigi, Esq.  
12 Special Assistant U.S. Attorney  
13 U.S. Department of Justice  
14 Northern District of California  
15 11<sup>th</sup> Floor, Federal Building  
16 450 Golden Gate Avenue  
17 San Francisco, CA 94102  
18 Tel: 415.436.7112  
19 \*Fax: 415.436.7234

Christopher Cannon, Esq.  
Sugarman & Cannon  
44 Montgomery Street, Suite 2080  
San Francisco, CA 94014  
Tel: 415.362.6252  
\*Fax: 415.677.9445

Courtesy copy to:  
Magistrate Judge Elizabeth Laporte  
U.S. District Court  
Northern District of California  
San Francisco Division  
Courtroom E, 15h Floor  
450 Golden Gate Avenue  
San Francisco, CA 94102

20 \_\_\_\_\_ (BY FEDERAL EXPRESS) I caused such envelope to be delivered by hand to the  
21 offices of the addressee(s) via Federal Express.

22  X  (BY MAIL) I placed such envelope with postage thereon fully prepaid to be placed in  
23 the U.S. mail at San Francisco, CA.

24 \_\_\_\_\_ (BY PERSONAL SERVICE) I caused such envelope to be hand delivered to the above  
25 address(es).

26 \_\_\_\_\_ (BY FAX) I transmitted by facsimile copying machine a true copy thereof to telephone  
27 number \* (listed above) known or represented to me to be the receiving telephone number for  
28 facsimile copy transmission of the parties/persons/firms listed above.

Executed on December 13, 2004, at San Francisco, California.

\_\_\_\_\_ (STATE) I declare under penalty of perjury under the laws of the State of California that  
the above is true and correct.

X  (FEDERAL) I declare that I am employed in the office of a member of the bar of this  
court at whose direction the service was made.

28 CONNIE J. WELLEN  
PRINT NAME

\_\_\_\_\_  
SIGNATURE