

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION**

Kevin A. Wiederhold,  
Petitioner/Appellant,

v.

Case No:1:05 cv 0576  
(Stop changing the number)

Steve Morris et al., Warden/GHWP et al,  
Respondent/Appellees,  
\_\_\_\_\_ /

**NOTICE OF APPEAL**

**COMES NOW**, the innocent petitioner Kevin A. Wiederhold, who proceeds herein pro se, and files his Notice of Appeal on the defaming, illegal, unconstitutional and racketeering denial of his well done Petition for Writ of Habeas Corpus under 28 USC 2241, which was filed well over a year ago on August 15, 2005.

Innocent petitioner asserts, this Notice of Appeal is timely filed under FRAP (a)(1)(B) which clearly states “When the United States or its officer or agency is a party, the notice of appeal may be filed by any party within 60 days after the judgment or order appealed from is entered”. Petitioner asserts he actually has up to October 30<sup>th</sup>, 2006 in which to file this Notice of Appeal. Petitioner request this court keep possession of this Notice of Appeal and have it officially filed on or before October 30<sup>th</sup>, 2006, according to FRAP (a)(1)(B).

Innocent petitioner asserts, he was informed by the Beaumont Federal District Court

Clerks almost one month ago that he had only 30 days in which to file this Notice of Appeal. Petitioner requests this Notice of Appeal be filed on or before September 30<sup>th</sup>, 2006 if the clerks refuse to follow FRAP concerning petitioner's legal right to have 60 days in which to file this Notice of Appeal. Innocent petitioner most certainly does not want to miss his chance to appeal this corrupted case to the Fifth Circuit Court of Appeals in New Orleans. Petitioner request the Clerks send him a letter as to what they intend on doing concerning FRAP(a)(1)(B) or send the Appeal Package.

**I, HEREBY CERTIFY**, that the statements made herein are true and correct under penalty of perjury according to 28 USC 1746. Dated and executed this \_\_\_\_ th day of September, 2006.

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Kevin A. Wiederhold. pro se  
1318 N. Mesquite #6  
Corpus Christi, Texas. 78401

## **CERTIFICATE OF SERVICE**

**I, HEREBY CERTIFY**, that a true and correct copy of the this Notice of Appeal has been sent by U.S. Mail to the following parties this \_\_\_\_ th day of September, 2006.

Clerk of Court (Certified Mail)  
U.S. District Court  
P.O. Box 3507  
Beaumont, Texas. 77704

Steve Morris et al etc  
Federal Correctional Complex (Medium)  
P.O. Box 26045  
Beaumont, Texas. 77720

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