

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Marcus A. Murphy,	§
<i>Pro-Se Plaintiff</i>	§
	§
v.	§ Civil Action No. 1:21-cv-00071-RM-KMT
	§
Douglas “Doug” L. Lamborn,	§
in his official-capacity as U.S. House	§
Representative (CO-5),	§
<i>Defendant</i>	§

PLAINTIFF-MURPHY’S NOTICE OF APPEAL

I. (¶ 1.) If it pleases the court, Plaintiff, Marcus Murphy, hereby appeals and offers this Notice of Appeal from the United States District Court for Colorado (D-CO) to the United States Court of Appeals for the Tenth-Circuit (10th Cir.) *via* the Order entered in this action on Feb. 15, 2022 (2-15-22), granting Defendant-Lamborn’s Dismissal-Motion & Final-Judgment in favor of Defendant-Lamborn. Plaintiff, Marcus Murphy, respectfully requests that the court send the Contents of this case’s Record to the Tenth-Circuit Appeals-Court Clerk, as soon as possible, per the Federal Rules of Appellate Procedure, as well as 28 U.S.C. § 2107. 28 U.S.C. § 2107-Time for appeal to court of appeals provides that: “(a) Except as otherwise provided in this section, no

appeal shall bring any judgment, order or decree in an action, suit or proceeding of a civil-nature before a court of appeals for review unless notice of appeal is filed, within thirty-days after the entry of such judgment, order or decree.” Rule 4. Appeal as of Right-When Taken (F.R.C.P.) provides that: “(a) Appeal in a Civil-Case. (1) Time for Filing a Notice of Appeal. (A) In a civil-case, except as provided in Rules 4(a)(1)(B), 4(a)(4), and 4(c), the notice of appeal required by Rule 3 must be filed with the district-clerk within 30-days after entry of the judgment or order appealed from.”

II. (¶ 2.) Conclusion – For the proceeding-reasons, *infra*, to be detailed in Appellant’s Memorandum-Brief, of Findings of Clearly-Erroneous Facts and Abuse of Discretion, *Pro-Se* Plaintiff, Marcus Murphy, hereby appeals and offers this Notice of Appeal from the United States District Court for Colorado (D-CO) to the United States Court of Appeals for the Tenth-Circuit (10th Cir.) *via* the Order entered in this action on Feb. 15, 2022 (2-15-22), granting Defendant-Lamborn’s Dismissal-Motion & Final-Judgment in favor of Defendant-Lamborn. Plaintiff-Murphy respectfully-prays that this honorable court will consider this Notice of Appeal from the United States District Court for Colorado (D-CO) to the United States Court of Appeals for the Tenth-Circuit (10th Cir.) *via* the Order entered in this action on Feb. 15, 2022 (2-15-22), granting Defendant-Lamborn’s Dismissal-Motion & Final-Judgment in favor of Defendant-Lamborn. **Under Federal-Rule of Civil Procedure (FRCP) 11**, by signing below, I also certify to the best of my knowledge, information, and belief that this Appeal-Notice: (1) is not being presented for an improper-purpose, such as to harass, cause un-necessary delay, or needlessly-increase the cost of litigation; (2) is supported by existing-law or by a non-frivolous argument for

extending or modifying existing-law; (3) the factual-contentions have evidentiary-support or, if specifically so identified, will likely have evidentiary-support after a reasonable-opportunity for further investigation or discovery; and (4) the Appeal-Notice otherwise complies with the requirements of Rule 11. **Plaintiff-Murphy's Statement of Compliance with the Local Rules of Practice of the United States District Court for the District of Colorado-Civil:** "I, Marcus Allen Murphy, to the best of my knowledge and belief, and in my professional legal-opinion, respectfully submit that I am in Compliance with the Local-Rules of this court; furthermore, *per* D.C.COLO.LCivR 7.1-Motions (a) Duty to Confer: Defendant-Lamborn's Counsel has not conferred with Plaintiff-Murphy to resolve any disputed-matter before filing a non-Rule-12-or-56 motion, because Discovery was never granted; ... (d) Motion, Response and Reply; Time for Serving and Filing; Length: This Appeal-Notice is being filed within 30-days (3-17-22 as the filing-deadline) of the dismissal-motion granting & final-judgment (2-15-22), and this Appeal-Notice does not include any separate-motions; ... (i) Sanctions: This Appeal-Notice is concise, and is not verbose, redundant, ungrammatical, or unintelligible; *per* D.C.COLO.LCivR 10.1-Format of Pleadings and Documents presented for Filing ... (b) Size: This Appeal-Notice is on 8-1/2-by-11-inch, white paper; (c) Margins: This Appeal-Notice has margins with 1-1/2-inches at the top and 1-inch at the left, right, and bottom of each-page; (d) Font: This Appeal-Notice uses black-ink and not less than 12-point font; (e) Spacing: This Appeal-Notice is double-spaced; (f) Text: This Appeal-Notice has text that is on one side of the page only; *per* D.C.COLO.LCivR 16.1-Scheduling Conference: Defendant-Lamborn's Counsel has not filed a proposed scheduling-order, because the court has not yet convened a scheduling-conference; *per* D.C.COLO.LCivR 16.6-Alternative Dispute Resolution (a) Alternative Dispute Resolution:

Plaintiff-Murphy rejects the use of an alternative-dispute-resolution (*i.e.*, ADR) process; *per* D.C.COLO.LCivR 40.1-Assignment of Cases ... (c) Direct Assignment to Magistrate Judges: ... (4) Plaintiff-Murphy does not consent to United States Magistrate Judge Jurisdiction; (5) Consent to magistrate-judge jurisdiction is voluntary; ... (8) Plaintiff-Murphy declines consent to magistrate-judge jurisdiction; (d) Special Assignment: (1) Plaintiff-Murphy is not an unrepresented-party, does not already have a case pending, and has not had a case terminated within 12-months; *per* D.C.COLO.LCivR 40.2-Trial Calendar and Notice of Settlement or Resolution: ... (b) The parties have not agreed to settle or otherwise resolve a pending-matter; *per* D.C.COLO.LCivR 41.1-Dismissal: Plaintiff-Murphy does not consent to United States Magistrate Judge Jurisdiction; *per* D.C.COLO.LCivR 41.2-Administrative Closure: Plaintiff-Murphy does not consent to United States Magistrate Judge Jurisdiction; *per* D.C.COLO.LCivR 56.1-Motion for Summary Judgment: ... (c) Exhibits to Motion or Briefs: This Appeal-Notice does not contain voluminous-exhibits, and only contains essential-portions of documents; *per* D.C.COLO.LCivR 72.2-Consent Jurisdiction of a Magistrate Judge: ... (c) Plaintiff-Murphy does not consent to United States Magistrate Judge Jurisdiction; (d) Plaintiff-Murphy does not consent to United States Magistrate Judge Jurisdiction; ... (g) Plaintiff-Murphy does not consent to United States Magistrate Judge Jurisdiction; *per* D.C.COLO.LCivR 72.3-Reference of a Dispositive Motion to a Magistrate Judge (a) Designation: Plaintiff-Murphy does not consent to United States Magistrate Judge Jurisdiction; ... (e) Vacating Reference: Plaintiff-Murphy does not consent to United States Magistrate Judge Jurisdiction; and *per* D.C.COLO.LCivR 77.1-Time and Place of Filing: This Response is being electronically-filed no later than 11:59:59 p.m. (Mountain Time) on the day required (3-17-22).

Respectfully submitted, this the 16th day of March, 2022.

__(Electronically-Signed for PACER/ECF:)__s/__Marcus Allen Murphy-MAM.

Marcus A. Murphy, *Pro-Se Plaintiff & Counsel* (CO-LL#: 48442)

5795 Southmoor Dr Lot 53

Fountain, CO 80817

(720) 256-0991; MarcusMurphy1975@hotmail.com

CERTIFICATE OF CONFERENCE

I, Marcus A. Murphy, *Pro-Se Plaintiff*, do hereby certify that a Conference with opposing-counsel was neither required nor performed for this **PLAINTIFF-MURPHY'S NOTICE OF APPEAL**.

Respectfully submitted, this the 16th day of March, 2022.

__(Electronically-Signed for PACER/ECF:)__s/ __Marcus Allen Murphy-MAM.

Marcus A. Murphy, *Pro-Se Plaintiff & Counsel* (CO-LL#: 48442)

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CERTIFICATE OF SERVICE

I, Marcus A. Murphy, *Pro-Se Plaintiff*, do hereby certify that I have filed in the office of the Clerk for the United States District Court of Colorado (D-CO) and have served upon the Defendant, Doug Lamborn, a complete and accurate copy of this **PLAINTIFF-MURPHY'S NOTICE OF APPEAL**, either by hand-delivering, or placing a copy in the United-States Mail, sufficient-postage affixed, dispatched to their business-addresses, *via* First-Class.

Respectfully submitted, this the 16th day of March, 2022.

__(Electronically-Signed for PACER/ECF:).__s/__Marcus Allen Murphy-MAM.

Marcus A. Murphy, *Pro-Se Plaintiff & Counsel* (CO-LL#: 48442)

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Jeffrey P. Colwell, U.S. Dist. Ct. of CO-Court Clerk (Civil)

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