

No. 12-16775

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

CLIFFORD JOHNSON
Plaintiff - Appellant

v.

UNITED STATES DEPARTMENT OF THE TREASURY
and TIMOTHY F. GEITHNER
Defendants - Appellees

On Appeal from the United States District Court
for the Northern District of California

**EXCERPTS OF RECORD
VOLUME I [Judicial]**

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AUTHENTICATION

I, Clifford Johnson, Plaintiff-Appellant in this action, do hereby swear under penalty of law that, based on my personal knowledge, the below documents are true and correct copies of the record in the district court, as listed above.

December 13, 2012

Clifford Johnson

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CLIFFORD JOHNSON,

Plaintiff,

No. C 11-06684 WHA

v.

UNITED STATES DEPARTMENT OF THE
TREASURY and TIMOTHY GEITHNER,
in his official capacity as Secretary of the
United States Department of the Treasury,

Defendants.

**ORDER DENYING
PLAINTIFF’S MOTION
TO ALTER OR AMEND
THE JUDGMENT AND
VACATING HEARING**

INTRODUCTION

Plaintiff seeks to alter or amend the judgment pursuant to FRCP 59(e). For the following reasons, plaintiff’s motion is **DENIED**. The hearing schedule for November 15, 2012, is **VACATED**.

STATEMENT

Plaintiff’s first amended complaint asserted that the United States Department of the Treasury violated plaintiff’s First Amendment rights by sabotaging his speech in support of his own proposal that Federal Reserve notes should be phased out in favor of United States notes. The complaint alleged that the Treasury Department did so by maintaining a website that contradicted the merits of plaintiff’s position. Plaintiff sought an injunction whereby regulating what the Treasury could and could not say on this subject. Plaintiff’s first amended complaint

1 was dismissed with prejudice. The dismissal order found it failed to state a cognizable claim
2 under the First Amendment and that plaintiff lacked standing to pursue his claim because it
3 was based on a “generalized grievance no different from every citizen’s interest in the proper
4 application of the Constitution” (Dkt. No. 43). Upon dismissal of the complaint, judgment was
5 entered in favor of defendants and against plaintiff (Dkt. No. 44). Plaintiff then wrote three
6 separate letters objecting to the entry of judgment in favor of defendants. In the letters, plaintiff
7 requested clarification as to the grounds on which his four purported exceptions to government
8 speech immunity included in the complaint were overruled. Plaintiff also filed an appeal.
9 On appeal, the court of appeals remanded the case and held appellate proceedings in abeyance
10 pursuant to the Federal Rules of Appellate Procedure for the sole purpose of requiring this Court
11 to resolve plaintiff’s pending motion to reconsider. The court of appeals deemed plaintiff’s
12 first post-judgment letter to be a motion for reconsideration. On remand, a hearing and briefing
13 schedule was set and the motion presented by plaintiff’s letters was construed to be a motion
14 pursuant to FRCP 59(e). The parties were allowed to file briefs in support of their positions.
15 Having considered all of the submissions, plaintiff’s motion to alter or amend the judgment is
16 hereby **DENIED**.

17 ANALYSIS

18 FRCP 59(e) provides that a party may move to alter or amend or vacate judgment after its
19 entry. Relief under FRCP 59(e), however, is an “extraordinary remedy, to be used sparingly in
20 the interests of finality and conservation of judicial resources.” *Kona Enters., Inc. v. Estate of*
21 *Bishop*, 229 F.3d 877, 890 (9th Cir. 2000). Relief is appropriate under Rule 59(e) if any of the
22 following conditions are met: (1) the district court is presented with newly-discovered evidence;
23 (2) there is an intervening change in controlling law; or (3) the district court committed clear
24 error or made a decision that was manifestly unjust. *Zimmerman v. City of Oakland*, 255 F.3d
25 734, 740 (9th Cir. 2001). Judgment is not properly reopened “absent highly unusual
26 circumstances.” *Weeks v. Bayer*, 246 F.3d 1231, 1236 (9th Cir. 2001).

27 Plaintiff has identified no such unusual circumstances. Instead, plaintiff seeks
28 clarification of the dismissal order, alleging that it contained ambiguities. Because plaintiff is

1 not now asserting that there is newly-discovered evidence or an intervening change in controlling
2 law, this order assumes plaintiff is arguing that the order granting defendants' motion to dismiss
3 was clear error. This order disagrees.

4 In reviewing a district court's decision for clear error, our court of appeals will find
5 clear error only upon "a definite and firm conviction that a mistake has been committed."
6 *United States v. Ruiz-Gaxiola*, 623 F.3d 684, 693 (9th Cir. 2010). If a court "got the law right"
7 and "did not clearly err in its factual determinations," then clear error was not committed — even
8 if another reasonable judicial body "would have arrived at a different result." *Alliance for the*
9 *Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011).

10 Plaintiff's three letters and instant motion do not specifically contend that a legal or
11 factual error was committed. Rather they object to the closure of the file upon judgment and
12 seek clarification regarding the dismissal order. The first letter contends that further trial court
13 proceedings would not be futile, if only to present the court of appeals with a clarified record.
14 The letter states that the dismissal order failed to address the allegations in the complaint that
15 defendants employ factual misrepresentations that are intended to suppress plaintiff's viewpoint
16 and whether or not these misrepresentations qualify for government speech immunity exceptions
17 as defined by plaintiff (Dkt. No. 45). The third letter and plaintiff's instant motion, narrow
18 plaintiff's request and urge that this Court "clarify its decision with respect to ambiguities"
19 (Reply Br. 5) and set forth grounds explaining "whether four alleged exceptions to government
20 speech immunity were particularly overruled, and/or were overruled on the ground that the
21 immunity is absolute, and/or were not reached and why" (Br. 7; Dkt. No. 55).

22 Plaintiff has not clearly asserted whether, in fact, a legal or factual error occurred.
23 However, even if plaintiff's argument is construed as an allegation that an error was committed,
24 plaintiff's argument fails. The decision to not address plaintiff's purported four exceptions
25 to government speech immunity and whether or not the alleged misrepresentations qualify
26 for immunity was not clear error. *First*, plaintiff lacks standing to bring his claims against
27 defendants, as the dismissal order found neither an injury in fact nor a causal connection between
28 the defendants' conduct and his petitions. Furthermore, the dismissal order found that plaintiff's

1 assertion that a favorable judicial decision would redress his injury was purely conjectural.
 2 *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560–61 (1992). *Second*, the complaint was
 3 also dismissed on its merits. The issue of government speech immunity was not reached.
 4 According to the dismissal order, the complaint alleged a “remarkable proposition” with
 5 no support in the law (Dkt. No. 43). Accordingly, whether or not defendants’ alleged
 6 misrepresentations are subject to plaintiff’s purported four exceptions to government speech
 7 immunity is irrelevant. Based on the above, the dismissal order properly analyzed plaintiff’s
 8 complaint and does not contain clear error.

9 Furthermore, even upon an examination of plaintiff’s three letters and instant motion
 10 on the merits, without consideration of the clear error standard, this order rejects plaintiff’s
 11 allegations. Plaintiff contends “categorical and financial misinformations [] impair [plaintiff’s]
 12 right to petition for new issues of United States currency, in violation of the First Amendment”
 13 and that these misinformations give rise to four exceptions to government speech immunity
 14 (Br. 2). Plaintiff’s alleged misinformations and four purported exceptions to government speech
 15 immunity, as defined in the three letters and instant motion, make the same arguments that were
 16 previously laid out in the complaint. As discussed above and in the dismissal order, plaintiff
 17 not only lacks standing but also fails to state a cognizable claim. Because immunity was not
 18 and is not the basis for rejecting the complaint, it was and still is unnecessary to reach plaintiff’s
 19 allegations of exceptions to government speech immunity. Plaintiff cannot just reassert
 20 arguments that have already been rejected in hope of a different result.

21 CONCLUSION

22 For the above-stated reasons, plaintiff’s motion to alter or amend the judgment is
 23 **DENIED**. The hearing schedule for November 15, 2012, is **VACATED**.

24 **IT IS SO ORDERED.**

25 Dated: October 23, 2012.

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 28 WILLIAM ALSUP
 UNITED STATES DISTRICT JUDGE

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CLIFFORD JOHNSON,
Plaintiff,

No. C 11-06684 WHA

v.

ORDER RE JOHNSON LETTERS

UNITED STATES DEPARTMENT OF
THE TREASURY, and TIMOTHY
GEITHNER, in his official capacity as
Secretary of the United States Department
of the Treasury,
Defendants.

The Court is in receipt of plaintiff Clifford Johnson’s letters dated September 6, 2012 (Dkt. No. 53) and September 9, 2012 (Dkt. No. 54). The letters relate to the September 4 order setting briefing schedule pursuant to our court of appeals’ August 13 order remanding the case back to this Court for resolution of the “pending motion for reconsideration.”


Plaintiff’s letter of September 6 requests that plaintiff be allowed to file an “opening memorandum” to inform the opposition of “which statements on the record substantiate” plaintiff’s contentions. Plaintiff’s letter of September 9 indicates that the relief plaintiff seeks by the pending motion is an order clarifying the reasoning and legal bases of the June 14 order granting defendants’ motion to dismiss.

Plaintiff’s barrage of letters addressed to the Court is improper. Further, plaintiff cites no rule that would compel the relief he purports to seek. In the interest of finality and clarity for all parties, it is hereby ordered that plaintiff may file an opening memorandum in support of his

1 June 28 motion by **SEPTEMBER 24**. Whether or not such memorandum is filed, defendants'
2 opposition to the June 28 motion is due by **OCTOBER 8, 2012**. The reply is due by **OCTOBER 15,**
3 **2012**. The hearing, previously set for October 11 is hereby vacated and reset for **NOVEMBER 1,**
4 **2012**. No further changes to this briefing schedule will be allowed.

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6 **IT IS SO ORDERED.**

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8 Dated: September 17, 2012.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

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U.S. District Court

California Northern District

Notice of Electronic Filing

The following transaction was entered on 9/7/2012 at 3:42 PM and filed on 9/7/2012

Case Name: Johnson v. Department of the Treasury of the United States et al

Case Number: [3:11-cv-06684-WHA](#)

Filer:

WARNING: CASE CLOSED on 06/14/2012

Document Number: 52(No document attached)

Docket Text:

Correction of Opposition/Response or Reply Deadlines pertaining to [45] MOTION to Alter Judgment (Reason: Correcting an error) filed by Error: party not known. Responses due by 9/18/2012. Replies due by 9/25/2012. (dtm, COURT STAFF) (Filed on 9/7/2012)

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CLIFFORD JOHNSON,
Plaintiff,

No. C 11-06684 WHA

v.

UNITED STATES DEPARTMENT OF
THE TREASURY, and TIMOTHY
GEITHNER, in his official capacity as
Secretary of the United States Department
of the Treasury,
Defendants.

**ORDER SETTING BRIEFING
SCHEDULE ON PLAINTIFF'S
MOTION TO ALTER OR AMEND
A JUDGMENT**


On June 14, 2012, this Court granted defendants' motion to dismiss plaintiff Clifford Johnson's complaint and entered final judgment against plaintiff. On June 28, plaintiff filed a letter to the Court entitled "Objection to judgment entered June 14, 2012, insofar as it closes the trial court record" (Dkt. No. 45). Plaintiff subsequently filed a notice of appeal to the Ninth Circuit. On August 13, the Ninth Circuit remanded the case back to this Court for resolution of the "pending motion for reconsideration."

Plaintiff's letter objects to "the Judgment's mandate that the record be closed" and states that "the closure deprives [plaintiff] of [his] First Amendment right to petition the court to the extent ordinarily provided for by the Federal Rules of Procedure." The Court construes this letter as a motion to alter or amend judgment pursuant to FRCP 59(e). Accordingly, plaintiff's

1 motion is hereby set for **HEARING ON OCTOBER 11, 2012**. Responses are due by **SEPTEMBER**
2 **18**. The reply is due by **SEPTEMBER 25**.

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4 **IT IS SO ORDERED.**

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6 Dated: September 4, 2012.

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WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED
AUG 13 2012
MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

CLIFFORD JOHNSON,

Plaintiff - Appellant,

v.

UNITED STATES DEPARTMENT OF
THE TREASURY and TIMOTHY F.
GEITHNER,

Defendants - Appellees.

No. 12-16775

D.C. No. 3:11-cv-06684-WHA
U.S. District Court for Northern
California, San Francisco

ORDER

The court's records indicate that this appeal was filed during the pendency of a timely-filed Fed. R. App. P. 4(a)(4) motion. The notice of appeal is therefore ineffective until entry of the order disposing of the last such motion outstanding. *See* Fed. R. App. P. 4(a)(4). Accordingly, proceedings in this court shall be held in abeyance pending the district court's resolution of the pending June 28, 2012 motion. *See Leader Nat'l Ins. Co. v. Industrial Indemnity Ins. Co.*, 19 F.3d 444 (9th Cir. 1994).

If appellant wishes to challenge the district court's ruling on the pending motion for reconsideration, appellant shall file an amended notice of appeal within

30 days from entry of the district court's ruling on the motion. *See* Fed. R. App. P. 4(a)(4). A copy of this order shall be served on the district court. *See* Fed. R. App. P. 3(d).

FOR THE COURT:
Molly C. Dwyer
Clerk of Court

Joe Williams
Deputy Clerk

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CLIFFORD JOHNSON,

Plaintiff,

No. C 11-06684 WHA

v.

UNITED STATES DEPARTMENT OF THE
TREASURY; and TIMOTHY GEITHNER, in his
official capacity as Secretary of the United States
Department of the Treasury,


JUDGMENT

Defendants.

For the reasons stated in the accompanying order granting defendants' motion to
dismiss, **FINAL JUDGMENT IS HEREBY ENTERED** in favor of defendants and against plaintiff.
The Clerk **SHALL CLOSE THE FILE**.

IT IS SO ORDERED.

Dated: June 13, 2012.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CLIFFORD JOHNSON,

Plaintiff,

No. C 11-06684 WHA

v.

UNITED STATES DEPARTMENT OF THE
TREASURY, and TIMOTHY GEITHNER,
in his official capacity as Secretary of the
United States Department of the Treasury,

Defendants.

**ORDER GRANTING
DEFENDANTS' MOTION
TO DISMISS FIRST
AMENDED COMPLAINT
AND VACATING HEARING**

Clifford Johnson, a resident of Mendocino County, believes that Federal Reserve notes should be phased out in favor of United States notes, and to that end, proposes a pilot program be launched using United States notes to issue Social Security payments. He believes this would save taxpayers money.*

In this lawsuit, he contends that the United States Department of the Treasury has sabotaged his own free speech in support of his proposal by maintaining a website that contradicts the merits of his position. In a David-and-Goliath way, he contends that his own message is being overwhelmed by the more powerful speech of the Treasury and, therefore, his own free speech rights are being suppressed. In this lawsuit, which he has limited to the

* The caption has been changed to correct defendants' names. Henceforth, both sides shall use the corrected caption.

1 First Amendment right to petition claims (Opp. Exh. G), he seeks relief in the form of an
2 injunction whereby this Court would regulate what the Treasury can and cannot say on this
3 subject.

4 This remarkable proposition has no support in the law. Our elected leaders necessarily
5 adopt policy positions. By virtue of their “bully pulpit,” they necessarily receive more attention
6 than the rest of us. Nonetheless, it cannot possibly be the law that this circumstance violates
7 anyone’s right to say whatever they want about public policy. To rule otherwise would invite
8 thousands of lawsuits by those seeking to regulate through the courts what elected officials and
9 their appointees can and cannot say in support of public policy. This would be an unthinkable
10 result. Mr. Johnson’s claim is rejected on the merits.


11 That said, this order also holds that Mr. Johnson lacks standing to seek such remarkable
12 relief. Standing is “an essential and unchanging part of the case-or-controversy requirement of
13 Article III,” which limits the jurisdiction of federal courts. Article III standing has three
14 requirements: (1) an injury in fact that is concrete and particularized and actual or imminent, not
15 conjectural or hypothetical; (2) a causal connection between the injury and the conduct
16 complained of; and (3) it must be likely, as opposed to merely speculative, that the injury will be
17 redressed by a favorable decision. *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560–61 (1992).
18 Judicial self-governance imposes prudential requirements to limit federal jurisdiction, such that
19 the courts do not adjudicate generalized grievances where the political process may provide the
20 more appropriate remedy.

21 Here, the fact that the Treasury website contradicts Mr. Johnson’s position, and that other
22 sources have adopted the Treasury’s views, does not constitute an injury in fact. Mr. Johnson
23 also does not establish a causal connection between the Treasury’s conduct and his own
24 petitions. Furthermore, any assertion that a favorable judicial decision would redress
25 Mr. Johnson’s alleged injuries by improving the effectiveness of his petitions is purely
26 conjectural and insufficient to justify standing. Prudential considerations also demonstrate the
27 lack of standing; Mr. Johnson’s interest in petitioning for support of his proposal is a generalized
28 grievance no different from every citizen’s interest in proper application of the Constitution.

1 For the foregoing reasons, defendants' motion to dismiss is **GRANTED**. Mr. Johnson's
2 complaint is **DENIED WITHOUT LEAVE TO AMEND**. The motion hearing set for June 21 is
3 **VACATED**. The next stop for Mr. Johnson is the United States Court of Appeals for the
4 Ninth Circuit.

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6 **IT IS SO ORDERED.**

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8 Dated: June 13, 2012.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

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United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CLIFFORD JOHNSON,

Plaintiff,

No. C 11-06684 WHA

v.

DEPARTMENT OF THE TREASURY
OF THE UNITED STATES, and
TIM GEITHNER,

Defendants.


CASE MANAGEMENT ORDER

After a case management conference, the Court enters the following order pursuant to Rule 16 of the Federal Rules of Civil Procedure ("FRCP") and Civil Local Rule 16-10:

1. Federal defendants advised they plan to their motion to dismiss by Monday, April 30, 2012. Please note that this Court holds its civil law and motion calendar on Thursdays at 8:00 a.m.

IT IS SO ORDERED.

Dated: April 26, 2012.



 WILLIAM ALSUP
 UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE WILLIAM ALSUP, JUDGE

CLIFFORD JOHNSON,

PLAINTIFF,

VS.

UNITED STATES DEPARTMENT OF THE
TREASURY, AND TIMOTHY GEITHNER, IN
OFFICIAL CAPACITY AS SECRETARY OF
THE UNITED STATES DEPARTMENT OF THE
TREASURY,

DEFENDANTS.

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) NO. C 11-06684 WHA
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)
) SAN FRANCISCO, CALIFORNIA
) THURSDAY
) APRIL 26, 2012
) 3:00 O'CLOCK P.M.

TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

FOR PLAINTIFF: CLIFFORD JOHNSON, IN PRO PER

FOR DEFENDANTS: U. S. ATTORNEY'S OFFICE
450 GOLDEN GATE AVENUE
SAN FRANCISCO, CALIFORNIA 94102
BY: EVAN H. PERLMAN, ASSISTANT UNITED STATES ATTORNEY 436-6748

REPORTED BY: KATHERINE WYATT, CSR 9866, RMR, RPR
OFFICIAL REPORTER - US DISTRICT COURT

KATHERINE WYATT, OFFICIAL REPORTER, RPR, RMR 925-212-5224

1 **APRIL 26, 2012**

3:00 O'CLOCK P.M.

2
3 **P R O C E E D I N G S**

4 **THE COURT:** SO NOW WE GO TO CLIFFORD JOHNSON VERSUS
5 DEPARTMENT OF TREASURY.

6 IF I HAD KNOWN BOTH SIDES WERE HERE I WOULD HAVE CALLED
7 YOU FIRST. I THOUGHT THAT THIS WAS --

8 **MR. JOHNSON (IN PRO PER):** NO PROBLEM.

9 **THE COURT:** ALL RIGHT. GO AHEAD. APPEARANCES.

10 **MR. JOHNSON (IN PRO PER):** CLIFFORD JOHNSON,
11 PLAINTIFF PRO PER.

12 **MR. PERLMAN:** EVAN PERLMAN, ASSISTANT U.S. ATTORNEY
13 REPRESENTING THE FEDERAL DEFENDANTS.

14 **THE COURT:** ALL RIGHT. SO WHAT IS THIS CASE ABOUT,
15 MR. JOHNSON?

16 **MR. JOHNSON (IN PRO PER):** IT'S ABOUT PUBLICATIONS BY
17 THE TREASURY SAYING THAT THERE'S NO DIFFERENCE BETWEEN UNITED
18 STATES NOTES, THAT'S BILLS, AND FEDERAL RESERVE NOTES OR BILLS.

19 THEY ARE VERY DIFFERENT FUNCTIONALLY, AND THE DIFFERENCE
20 IS BEING SUPPRESSED BY THESE MISREPRESENTATIONS.

21 AND THERE IS, IN FACT, A FACTUAL AMENDMENT THAT THE
22 COMPLAINT NOW NEEDS. THE LIBERTARIAN CANDIDATE HAS A GREEN
23 BACKUP PLATFORM, WHICH IS ESSENTIALLY WHAT I'M PETITIONING FOR.
24 AND HE'S EXPRESSED AN INTEREST IN THE CASE AND SO IN A WAY
25 THAT'S AN INTERESTED NON-PARTY.

KATHERINE WYATT, OFFICIAL REPORTER, RPR, RMR 925-212-5224

1 MY CONTENTION IS THAT THESE ARE MATTERS OF SIMPLE FACT AND
2 ACCOUNTING FACT THAT ARE DELIBERATELY DISTORTED TO SUPPRESS
3 PUBLIC DEBATE ON THE ISSUE. AND I HAVE THE RIGHT TO HAVE MY
4 VOICE NOT SUPPRESSED BY AUTHORITARIAN MISREPRESENTATIONS.

5 **THE COURT:** WHY DON'T YOU GO STAND ON THE STREET
6 CORNER AND MAKE A SPEECH?

7 **MR. JOHNSON (IN PRO PER):** OH, I DO. I DO, YOUR
8 HONOR.

9 **THE COURT:** WELL, THEN, WHO IS SUPPRESSING YOUR
10 SPEECH?

11 **MR. JOHNSON (IN PRO PER):** PEOPLE THAT WALK BY, THEY
12 SAY:

13 "WELL, UNITED STATES NOTES. THERE'S NO
14 DIFFERENCE."

15 WHAT ARE THEY? YOU KNOW, THIS ISN'T UNITED STATES NOTES.
16 YOU CAN'T GET THROUGH TO THEM. THEY WILL NOT SEE THEM AS
17 DIFFERENT THINGS. AND THE VERY FACT THAT THE TREASURY ITSELF
18 IS SAYING:

19 "THERE'S NO DIFFERENCE. THEY ARE ALL THE SAME" IS A
20 VERY BIG DEAL.

21 **THE COURT:** WHAT DOES THE DEPARTMENT OF TREASURY SAY?

22 **MR. PERLMAN:** YOUR HONOR, WE WILL BE FILING A MOTION
23 TO DISMISS ON MONDAY, APRIL 30TH. WE DON'T BELIEVE THE
24 PLAINTIFF'S FIRST AMENDMENT RIGHTS HAVE BEEN VIOLATED, AND THAT
25 THIS COURT LACKS SUBJECT JURISDICTION OVER HIS CLAIMS.

KATHERINE WYATT, OFFICIAL REPORTER, RPR, RMR 925-212-5224

1 HE'S FAILED TO STATE A CLAIM, AND IT'S OUR POSITION --
2 IT'S THE GOVERNMENT'S POSITION THAT MR. JOHNSON DOESN'T HAVE
3 STANDING TO SUE.

4 **THE COURT:** MR. JOHNSON, WHY DON'T WE JUST SORT THAT
5 OUT ON THE MOTION?

6 **MR. JOHNSON (IN PRO PER):** AGREED.

7 **THE COURT:** WHERE IS GUALALA, CALIFORNIA.

8 **MR. JOHNSON (IN PRO PER):** IT'S JUST OVER THE BORDER
9 INTO MENDOCINO COUNTY, JUST PAST SEA RANCH.

10 **THE COURT:** YOU DROVE A LONG WAY TO GET HERE TODAY.

11 **MR. JOHNSON (IN PRO PER):** I HAVE A PLACE IN THE
12 CITY, TOO.

13 **THE COURT:** DO YOU? ALL RIGHT. I WOULD BE WORRIED
14 ABOUT YOU DRIVING ALL THE WAY BACK. DO YOU HAVE A PLACE TO
15 STAY TODAY?

16 **MR. JOHNSON (IN PRO PER):** YES. I'VE LIVED HERE 40
17 YEARS. IT'S MORE OF A RETREAT UP THERE, BUT NOW I'M RETIRED.

18 **THE COURT:** I SEE. ALL RIGHT.

19 WELL, YOU'RE GOING TO FILE MONDAY. AND IN DUE COURSE
20 WE'LL COME BACK HERE AND HAVE A HEARING.

21 ARE YOU GOING TO GET A LAWYER?

22 **MR. JOHNSON (IN PRO PER):** I DOUBT IT. I DOUBT IT,
23 BUT I'VE HAD A LOT OF THIS SORT OF EXPERIENCE.

24 **THE COURT:** WELL, WE DO HAVE SOMETHING CALLED THE
25 "LEGAL HELP CENTER."

KATHERINE WYATT, OFFICIAL REPORTER, RPR, RMR 925-212-5224

1 **MR. JOHNSON (IN PRO PER):** YES.

2 **THE COURT:** DO YOU KNOW ABOUT THAT?

3 **MR. JOHNSON (IN PRO PER):** YES, I DO, YOUR HONOR.

4 **THE COURT:** ALL RIGHT. WELL, THEN, I WILL LET IT GO

5 AT THAT.

6 **MR. PERLMAN:** OKAY.

7 **MR. JOHNSON (IN PRO PER):** OKAY.

8 **MR. PERLMAN:** THANK YOU.

9 **THE COURT:** THANK YOU.

10 (THEREUPON, THIS HEARING WAS CONCLUDED.)

11

12 STENOGRAPHY CERTIFICATION

13 "I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT
14 FROM THE RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED MATTER."

 /S/ KATHERINE WYATT

15 9-16-12

 KATHERINE WYATT

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