

UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

BERNARD TOCHOLKE

Plaintiff-Appellant,

Vs.

THOMAS W. ANDERSON, JR.

Defendant-Appellee,

NOTICE OF APPEAL

COMES NOW, the plaintiff, Bernard Tocholke, to notify this court that he will be filing an appeal, but FEARS that he might be conspired against to swindle him out of a fair and impartial trial (and appeal), and brings this notice forth now to explain his reason why he has this evaluation of the feared theory;

1. On February 2, 2012, Tocholke filed a Complaint with the United States District Court, of the Eastern District of Wisconsin, against Mr. Anderson, Jr.
2. The Plaintiff believes that the normal procedures in the federal courts, is that the very next step required, is for the Defendant to submit his ANSWER.
3. As of today (March 13, 2012), it appears to the plaintiff that Mr. Anderson has NOT complied with the rules.
 - a. Mr. Anderson was legally served on the same day that the COMPLAINT was filed which was February 2, 2012
 - b. It is currently **forty days later**, which the plaintiff believes is a violation unless his understanding of **Rule 12(a)(1)(A)** which required Anderson to give his ANSWER 20 days after he was served.
 - c. According to **Rule 55** or **Rule 56**, is the plaintiff entitled to a Default or Summary Judgment?
4. Instead of getting an answer as the next step in procedure, The United States Magistrate Judge, Nancy Joseph filed a **DECISION AND ORDER DISMISSING CASE**, which was dated on February 7th, 2012.
 - a. That decision was made only 5 days after the filing of the plaintiff's COMPLAINT.
 - b. The decision was made before the Defendant/Appellee filed an ANSWER, which he still has NOT done NOR complied with.
 - c. In HER decision, she used and illustrated points which she claimed were necessary for an action, but yet they are the VERY SAME circumstances permeated in this case which are the same points which re-enforced his Complaint. Basically, the very same points that she DISMISSED this case on, are the VERY SAME points still holding this case together.
5. The plaintiff THEREFORE, filed a **Motion for Reconsideration**, just two or three days after he received the **DISMISSAL** decision, and sent it on February 13, 2012.
6. On March 5, 2012, the plaintiff received the final decision from the District Court which was made on March 1, 2012. The plaintiff does have suspicions though;
 - a. Is it possible that the Judge is trying to protect Mr. Anderson by not demanding him to provide an ANSWER?

- b. Is the conspired theory the reason why the judge immediately dismissed the case only five days after the filing?
- c. If the District Court decision is correct, is it even possible to get justice in this country if the victim is broke and cannot hire an attorney?
- d. Is there any justice available for a victim that was wrongfully incarcerated because of a malicious attorney that deliberately lied in the courtroom, and has deprived the victim the right of the 14th Amendment of a fair trial?

THEREFORE because of that, the Plaintiff is now providing this Notice that he intends to appeal the decision. He is presently working on his brief.

Signed this 13th day of March, 2012 _____

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