

**In the United States Court of Appeals  
For the Eight Circuit**

**JOHN GREGORY LAMBROS**

**CASE No. 20-3672**

**APPELLANT,**

Vs.

**UNITED STATES OF AMERICA AND  
UNITED STATES BUREAU OF PRISONS, et al.**

**AFFIDAVIT FORM**

**APPELLEES,**

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**APPELLANT LAMBROS' OBJECTIONS TO APPELLEES UNITED  
STATES OF AMERICA, et al. "BRIEF OF APPELLEES" - FILED ON  
MARCH 29, 2021.**

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1. COMES NOW, Appellant - Movant JOHN GREGORY LAMBROS, (Hereinafter "MOVANT"), Pro Se, and request this Court to construe this filing liberally. See, HAINES vs. KERNER, 404 U.S. 519 , 520-21 (1972).
  
2. In support of this request Plaintiff relies upon the record in this case and the following facts that are submitted in affidavit form herein. Therefore, Plaintiff restates and incorporates all pleadings, motions, exhibits, testimony and documents filed within this action. See, F.R.C.P. 10(c).
  
3. JOHN GREGORY LAMBROS, Appellant/Movant in the above-entitled action, stating in affidavit form, **OPPOSITION** to Appellee's "BRIEF OF APPELLEES" - FILED ON

MARCH 29, 2021, by United States Attorney Anders Folk and Ana H. Voss, Assistant U.S. Attorney.

4. John Gregory Lambros declares under penalty of perjury:

5. I am the Appellant in the above entitled case.

6. Appellant - Movant Lambros **DENIES EACH AND EVERY MATERIAL ALLEGATION CONTAINED IN APPELLEE'S "BRIEF OF APPELLEES"** - FILED ON MARCH 29, 2021, by United States Attorney Anders Folk and Ana H. Voss, Assistant U.S. Attorney, except as hereinafter may be expressed and specifically admitted.

## **FACTS:**

7. Movant Lambros' brief filed in this action on January 14, 2021.

8. Brief of Appellee was due on February 11, 2021. Appellee's filed for an extension of time on February 19, 2021. This Court granted the extension until March 22, 2021. Appellee requested a second motion for extension of time on March 22, 2021. This court granted the extension until March 26, 2021. Appellee **DID NOT** serve Movant Lambros with a copy of the **FIRST BRIEF** it filed with this court on or about March 26, 2021, the date due for filing by this court. Appellees did not follow the rules of this Court by not serving Appellant Lambros copy of the first brief they filed.

9. **March 29, 2021:** This Court issued an ORDER thru the Clerk of Court from Anna L. Kleydman, stating the Clerk's Office received Appellee's (USA's) brief in this action and refused to file the same, stating: "In reviewing the brief for filing, we noted the deficiencies shown below. Your brief cannot be filed until the defects are corrected." **See, EXHIBIT A.**

10. **March 29, 2021:** Appellees filed second brief in this action and forwarded copy to Appellant Lambros for response on March 30, 2021, which Appellant Lambros received via U.S. mail on April 2, 2012.

## **APPELLANT LAMBROS' RESPONSE TO APPELLEE'S**

### **"BRIEF OF APPELLEE'S"**

11. Appellee's request this Court to affirm the District Court's ORDER by denying Appellant John Gregory Lambros' tort claim - "FTCA CLAIM" - that was initiated on or about October 26, 2017, by the filing of a BP-9 "ADMINISTRATIVE REMEDY" while Movant Lambros was incarcerated within the U.S. Bureau of Prisons. Appellant - Movant Lambros requests this Court to deny Appellee's request and return this action to the District Court with instructions to settle this action in favor of Appellant Lambros.

12. Page 5: Appellee's state: "On April 30, 1992, the Supreme Court of Brazil ordered the extradition of Lambros to the United States in the case to face charges

of conspiracy to possess and distribute more than five kilograms of cocaine and three counts of possession with intent to distribute cocaine and aiding and abetting in such possession. Lambros Br., Ex. C.” This is true. Appellee’s DID NOT state that the Supreme Court of Brazil DID NOT extradite Movant Lambros on the August 1989, U.S. Parole Commission violation warrant that Movant Lambros was arrested on in Brazil, by DEA Agent Terryl Anderson and Brazilian authorities on May 17, 1991. See the following Eighth Circuit cases: U.S. vs. THIRION, 813 F.2d 146, 151 (8th Cir. 1987)(“Under the doctrine of speciality a defendant may be tried only for the offense for which he was delivered up by the asylum country.”); LEIGHNOR vs. TURNER, 884 F.2d 385 (8th Cir. 1989) (“The RULE OF SPECIALTY is based on principles of international comity and is designed to guarantee the surrendering nation that the extradited individual WILL NOT be subject to indiscriminate prosecution by the receiving government. U.S. vs. THIRION, 813 F.2d at 151, 153. .... Thus, in addressing Leighnor's claim that the PAROLE COMMISSION VIOLATED THE RULE OF SPECIALITY, WE MUST FOCUS ON THE QUESTION OF WHETHER THE FEDERAL REPUBLIC OF GERMANY WOULD CONSIDER THE COMMISSION'S ACTION TO BE A BREACH OF THE SPECIALITY PRINCIPLE. See, U.S. vs. JETTER, 722 F.2d 371, 373 (8th Cir. 1983)(per curiam).”

13. The Brazilian Supreme Court did not grant extradition on August 21, 1989, U.S. Parole Violation Warrant for Special Parole Term due to the Extradition Treaty between Brazil and the U.S. due to Article V(4): “Extradition **shall not be granted** in any of the following circumstances, (4) When the person sought would have to appear, in the

requesting State, before an **EXTRAORDINARY TRIBUNAL OR COURT**. The U.S. Parole Commission is an extraordinary tribunal or court. The U.S. - Brazil Extradition Treaty in its entirety is available within the State of Washington vs. Martin Shaw Pang, 940 P.2d 1293, 1354-1361 (Wash. 1997), cert. Denied, 139 L.Ed2d 608).

14. Also a parole violation is not illegal in Brazil, as escape is legal in Brazil and a parole violation is the same as escape. See Article XI within Treaty. Article XXI states "A person extradited by virtue of the present Treaty **may not be tried or punished** by the requesting state for any crime or offense committed prior to the request for his extradition, other than that which gave rise to the request, ..." See, ANDERSON vs. CORALL, 263 U.S. 193, 196; U.S. vs. POLITO, 583 F.2D 48, 55 (2nd Cir. 1978).

15. The treaty is federal law, and therefore the U.S. Parole Commission must yield to the extent there are any inconsistencies with the U.S. Parole Commission sentencing rules. **See U.S. CONST., Art. VI ("[A]ll Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby,** any thing in the Constitution or Laws of any state to the Contrary notwithstanding.") (emphasis added); [Howlett v. Rose, 496 U.S. 356, 369-70, 110 S.Ct. 2430, 110 L.Ed.2d 332 \(1990\)](#) ("[S]tate courts have the coordinate authority and consequent responsibility to enforce the supreme law of the land."); [Hauenstein v. Lynham, 100 U.S. 483, 490, 25 L.Ed. 628 \(1879\)](#) ("[T]he Constitution, laws, and treaties of the United States are as much a part of the law of every State as its own local laws and Constitution."). (Emphasis added)

16. **TREATY OF EXTRADITION BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED STATES OF BRAZIL:** Article XXI states: "A person extradited by virtue of the present Treaty may not be tried or punished by the requesting State for any crime or offense committed prior to the request for his extradition, other than that which gave rise to the request, nor may he be re-extradited by the requesting State to a third country which claims him, unless the surrendering State also agrees or unless the person extradited, **having been set at LIBERTY within the requesting State, remains voluntarily in the requesting State for more than 30 days from the date on which he was RELEASED. Upon such RELEASE, he shall be informed of the consequences to which his stay in the territory of the requesting State would subject him.**" (Emphasis added)

Also see, **STATE of Washington v. Martin Shaw PANG, 940 P.2d 1293, 1321-1323** (1997), Supreme Court of Washington, En Banc:

"United States Court of Appeals for the Ninth Circuit observed in a recent case that "[w]e look to the language of the applicable treaty to determine the protection an extradited person is afforded under the doctrine of specialty."<sup>76</sup>

In this case, the doctrine of specialty is incorporated into the terms of the Treaty of Extradition Between the United States of America and the United States of Brazil (Treaty) through Article XXI which provides:<sup>77</sup>

A person extradited by virtue of the present Treaty may not be tried or punished by the requesting State for any crime or offense committed prior to the request for his extradition, other than that which gave rise to the request, nor may he be

re-extradited by the requesting State to a third country which claims him, unless the surrendering State also agrees or unless the person extradited, having been set at liberty within the requesting State, remains voluntarily in the requesting State for more than 30 days from the date on which he was released. Upon such release, he shall be informed of the consequences to which his stay in the territory of the requesting State would subject him.

This provision, read in conjunction with Articles I and II, requires that the crime must be enumerated in the treaty and must satisfy the doctrine of dual criminality, thus incorporating the doctrine of specialty into the Treaty. **Because the doctrine is codified in federal statute, 18 U.S.C. § 3192, federal law requires acceptance of the requirement of Brazil that an offense must be extraditable under its interpretation of applicable domestic and international law.** (Emphasis added)

The United States Court of Appeals for the Ninth Circuit recognizes that the doctrine of specialty is embodied in all extradition treaties.<sup>78</sup> That court has recognized *Rauscher* as providing an "implicit rule of specialty."<sup>79</sup> It has also recognized that, under the doctrine of specialty, an extradited person may be prosecuted only for offenses specified in the order of extradition.<sup>80</sup>

The Federal Supreme Court of Brazil specifically "exclude[d] from the grant of extradition the charges of murder in the first degree."<sup>81</sup> The Court granted extradition without any restriction as to the possibility of life imprisonment; but only on the crime of first degree arson with the results it produced (four deaths) and all the consequences thereof pursuant to United States law without however, the added charge of four counts of murder in the first-degree.<sup>[82]</sup>

After considering the appeal for clarification from the United States, the Federal Supreme Court of Brazil unanimously denied it, stating,

The absence of any doubt or obscurity as regards the denial of the extradition

[940 P.2d 1322]

with respect to the charges of the four crimes of murder in the first degree is demonstrated in the terms of the decision, which did not consider the facts, as described in the request, as characterizing independent crimes of arson in the first degree and murder in the first degree.[83]

King County Superior Court Judge Jordan in his oral decision stated, "it appears to this Court reasonably clear that Brazil did not extradite for felony murder."<sup>84</sup> He was absolutely correct in that conclusion. But he was in error in his conclusion that Brazil had "implicitly waived" any objection to the State of Washington ignoring the order on extradition. Under the treaty and the doctrine of specialty, King County may not prosecute Petitioner Pang for any crime but arson in the first degree as specified in the extradition ruling by the Federal Supreme Court of Brazil. "The doctrine of specialty is satisfied if the extraditing country honors the limitations placed on the prosecution by the surrendering state."<sup>85</sup>

See, [State v. Pang, 940 P.2d 1293, 1321-23 \(1997\)](#), Supreme Court of Washington, En Banc

17. Page 6: Appellee's admit that Movant Lambros challenged the U.S. Parole Commission Warrant during his dispositional review of the warrant in 1994, which had been lodged as a detainer with the BOP by the US Parole Commission and the Parole Commission's ORDER that the parole violation warrant remain in place. Also, the BOP was on notice of the illegal filing of the parole violation warrant and assisted Movant Lambros in securing a local Public defender to represent Movant Lambros regarding the illegal filing of the warrant in which the Supreme Court of Brazil DID NOT extradite Movant Lambros on. These events occurred in 1994. See, Movant Lambros' Brief, Pages 8-9, Paragraphs 1 thru 3. "Defendant "BOP" informed Appellant that he had the right to be represented by an attorney and that it would be best to contact the U.S. Public Defender's Office to appoint an attorney due to the confusion regarding the

legality of Plaintiff's extradition from Brazil on August 21, 1989 U.S. Parole Commission Warrant." See, Page 8, Paragraph 1.

18. Page 9: Appellee's admit that Movant Lambros successfully challenged his parole revocation. "In February 2018, the National Appeals Board of the Department of Justice issued an order finding that the **Rule of Specialty applied** and that Lambros' sentence on his offenses from the 1970s had expired. Lambros Br., Ex. D. Lambros was released." (Emphasis added)

19. Page 16: Appellee's admit correctly that, "Lambros's claims all stem from his disagreement with the Parole Commission's decision to lodge the parole violation warrant as a detainer and enforce it when he completed his criminal sentence in the 1992 cocaine conspiracy case."

## **ARGUMENTS BY APPELLEE'S**

20. Page 18: Appellee's first argue that the Government was not properly served with the complaint. This is not true!

21. Page 19: Appellee's state "Lambros argues that he properly served the United States because he sent the summons and complaint by certified mail to the Attorney General, United States Attorney's Office, and Bureau of Prisons. Lambros admitted, however, that he attempted to effect service by mail without enlisting the assistance of a third party." This is true! Movant Lambros restates, incorporates and offers his response to this argument as stated within his "MOTION TO ALTER OR AMEND JUDGMENT UNDER FEDERAL RULES OF CIVIL PROCEDURE RULE 59(e)", dated September 30, 2020, pages 8 thru 10:

Please note that Movant Lambros was **incarcerated and unemployed at the time he filed this action**. The following is copy from the above Rule 59(e) Motion, pages 8 thru 10:

**QUESTION TWO (2):**

**WHETHER DEFENDANTS ARE ENTITLED TO ENFORCE THE REQUIREMENTS FOR EFFECTIVE SERVICE UNDER RULE 4(c)(2), AS TO MOVANT LAMBROS' ACT OF MAILING THE SUMMONS AND COMPLAINT - WHEN MOVANT LAMBROS WAS INCARCERATED WITHIN THE U.S. BUREAU OF PRISONS - WHO PREVENTS ANY INMATE OTHER THAN THE INMATE WHO IS PART OF THE LEGAL PLEADINGS BEING SUBMITTED TO THE COURT - TO MAIL THE LEGAL DOCUMENT.**

**FACTS:**

(22) Judge Wright stated “Even assuming Lamros met the service requirements of Rule 4(i)(1), his act of mailing the Summons and Complaint via certified mail **HIMSELF** does not meet the requirements for effective service under Rule 4(c)(2):” See, Page 12, of Judge Wright’s **PROPOSED FINDING WITHIN THE REPORT AND RECOMMENDATIONS. DATED: JULY 20, 2020.**

(23) Judge Wright stated, “Lambros initiated this action on May 12, 2018 in the United States District Court for the District of Columbia. **At the time he FILED THE COMPLAINT, PLAINTIFF HAD BEEN CONFINED IN A RESIDENTIAL REENTRY CENTER IN MINNEAPOLIS, MINNESOTA.**” See, Page 5, of Judge Wright’s **PROPOSED FINDING WITHIN THE REPORT AND RECOMMENDATIONS. DATED: JULY 20, 2020.**

## **DISCUSSION:**

(24) Defendants prevented Movant Lambros from having any other person mail the Summons and Complaint in this action. The **U.S. Bureau of Prisons DOES NOT ALLOW ANYONE OTHER THAN THE PERSON THAT HAS SIGNED ANY LEGAL DOCUMENTS TO MAIL SAME.**

(25) Movant Lambros was under the jurisdiction of the U.S. Bureau of Prisons who paid the housing and enforced all policies on May 12, 2018, as if Movant was still incarcerated at U.S. Penitentiary Leavenworth. Movant Lambros would of incurred disciplinary action by the U.S. Department of Justice, U.S. Bureau of Prisons, if he would have requested ANOTHER INMATE to mail the Summons and Complaint in this action. **Again, it is Defendant's own rules and laws under the U.S. Department of Justice, that DID NOT allow Movant Lambros to meet the requirements for effective service under Rule 4(c)(2).**

## **DISCUSSION REGARDING LAW ON ABOVE QUESTION:**

(26) OJELADE vs. UNITY HEALTH CARE, INC., 962 F.Supp. 2d 258, 262 (District of Columbia - 2013) “If a defendant is not served within 120 days after the complaint is filed, the court ... must dismiss the action without prejudice ... or order that service be made within a specified time.” [Fed.R.Civ.P. 4\(m\)](#). Plaintiff has failed to complete service of process within the 120 days allowed under the rules. **However, she has made diligent and repeated efforts to effect service without the assistance of counsel, and Defendant clearly has received actual notice of Plaintiff's complaint.** Therefore, the Court will, *sua sponte* and *nunc pro tunc*, grant an extension of Plaintiff's deadline. Plaintiff will be given 45 days from today to effect service in accordance with Rule 4. Unless Defendant informs the Court by September 10,

**2013, that it is willing to waive service pursuant to Rule 4(d), the Court will appoint a member of the U.S. Marshals to make service. See id. at 4(c)(3) (“[T]he court may order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court.”). (emphasis added)**

Although effective service will moot the Rule 12(b)(5) argument in Defendant's pending motion to dismiss, the Court will not require Defendant to re-file its motion in order to maintain its Rule 12(b)(1), (4), and (6) arguments.

**RELIEF REQUESTED ON THIS QUESTION:**

**(27)** Find Movant has made diligent and repeated efforts to effect service without the assistance of counsel and Defendant clearly has received actual notice of Movant Lambros' complaint.

**(28)** Movant Lambros requests this Court to request Defendants to willingly waive service pursuant to Rule 4(d), in the interest of justice, as Defendants have clearly received actual notice of Plaintiff's complaint.

**(29)** Movant requests this Court, to appoint a member of the U.S. Marshals to make service. See id. at 4(c)(3) (“[T]he court may order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court.”), if Defendants are **NOT** willing to waive service in this action.

22. Page 23: Appellee's second argue that “Lambros's Claims Must be Dismissed Because He Cannot Overcome the United States' Sovereign Immunity for Any of His Claims to Money Damages Against the United States or Its Agencies.” This is not true! Movant incorporates and restates his Issue One argument within his

appeal brief to this Court, pages 17 thru 26:

WHETHER APPELLE UNITED STATES, U.S. BUREAU OF PRISONS AND U.S. PAROLE COMMISSION ARE ENTITLED TO ABSOLUTE IMMUNITY IN THE ABSENCE OF ALL JURISDICTION OVER THE SUBJECT MATTER. See, STUMP vs. SPERKMAN, 435 U.S. 349, 356-357 (1978). WHEN THEY BROKE THE LAW BY VIOLATING THE PROVISIONS OF THE "EXTRADITION TREATY" BETWEEN THE UNITED STATES AND BRAZIL AND CONDITIONS ESTABLISHED IN THE EXTRADITION DECREE BY THE SUPREME COURT OF BRAZIL, WHICH APPROVED THE EXTRADITION REQUEST PRESENTED BY THE GOVERNMENT OF THE UNITED STATES - - A VIOLATION OF FEDERAL LAW PURSUANT TO THE SUPREMACY CLAUSE. See, U.S. CONSTITUTION, Art.. VI.

23. Page 30: Appellee's state and agree with Movant Lambros regarding the standard set by STUMP vs. SPERKMAN, 435 U.S. 349, 356-357 (1978), "The United States agrees with Lambros that Stump v. Sparkman, 435 U.S. 349 (1978), generally sets forward the standard for determining judicial immunity from suit. See Lambros Br. 22. In that case, the Supreme Court upheld a judge's assertion of immunity from suit, stating that "A judge will not be deprived of immunity because the action he took was in error, was done maliciously, or was in excess of his authority; rather, he will be subject to liability only when he has acted in the "clear absence of all jurisdiction." Stump v. Sparkman, [435 U. S. 349 \(1978\)](#), 356-57 (1978)."

24. JULY 4, 2015: U.S. Parole Commission "WARRANT" - "DETAINER" PREVENTS Appellant Lambros from attending and participation within the "RESIDENTIAL DRUG ABUSE PROGRAM (RDAP)" that would of allowed Movant Lambros ANOTHER

TWELVE (12) MONTHS OFF OF HIS SENTENCE. THEREFORE, **A RELEASE DATE OF JULY 4, 2015.** See, 18 U.S.C. 3621(e)(2)(B). Also, ESPINOZA vs. LINDSAY, 500 Fed. Appx. 123, 125 FN. 2 (3rd Cir. 2012)(Inmates with detainers lodged against them are ineligible for RDAP.).

25. Appellee's could not of legally filed the August 21, 1989 "WARRANT" from the U.S. Parole Commission until 30 days after Movant Lambros was released on or about July 4, 2015, as to the charges Movant Lambros was extradited by the Supreme Court of Brazil, **as they did not have jurisdiction.** See, Treaty of Extradition Between the United States of America and the United States of Brazil (Treaty) through Article XXI which provides:

"A person extradited by virtue of the present Treaty **may not be tried or punished** by the requesting State for any crime or offense committed prior to the request for his extradition, other than that which gave rise to the request, nor may he be re-extradited by the requesting State to a third country which claims him, **unless the surrendering State also agrees or unless the person extradited, having been set at liberty within the requesting State, remains voluntarily in the requesting State for more than 30 days from the date on which he was released. Upon such release, he shall be informed of the consequences to which his stay in the territory of the requesting State would subject him.**" (Emphasis added)

See, [State v. Pang, 940 P.2d 1293, 1321-23 \(1997\)](#), Supreme Court of Washington, En Banc.

26. Bottom Line: The total actions by Appellee's in this action may be premised on **ORDERS OF COMMITMENT BEING MADE WITHOUT JURISDICTION,** BECAUSE

THE STATUTORY AND TREATY REQUIREMENTS FOR COMMITMENT WERE NOT FOLLOWED.

27. Appellee's continued three ring circus reminds Movant Lambros of the catchphrase "**Where's the beef?**"! In this action it may be appropriate to say "**Where's the JURISDICTION?**"? Clarification for all parties concerned: Wikipedia offers the following information: "**Where's the beef?**" is a [catchphrase](#) in the [United States](#) and [Canada](#), introduced as a slogan for the fast food chain [Wendy's](#) in 1984. Since then it has become an all-purpose phrase questioning the substance of an idea, event, or referring to the lack of information. See, [Wikipedia - Where's the Beef](#)".

#### **CONCLUSION AND RELIEF REQUESTED:**

28. Enforce limitations on punishments following the extradition of Appellant Lambros.

29. Find that clearly established federal law applies to limit the punishments Appellant Lambros can receive when conditionally extradited under a Treaty, and the facts of this case indicate that such limitations were intended here.

30. Find that Appellee's ARE NOT entitled to quasi-judicial immunity - ABSOLUTE IMMUNITY - when considering and deciding parole questions, as Appellee's actions were TAKEN IN THE COMPLETE ABSENCE OF ALL JURISDICTION, as per the April 30, 1992, Brazilian Supreme Court extradition of

Appellant Lambros to the United States in U.S. vs. LAMBROS; CR-4-89-82, District of Minnesota, in extradition case No. 539-1.

31. Find Movant Lambros has made diligent and repeated efforts to effect service without the assistance of counsel and Defendant clearly has received actual notice of Movant Lambros' complaint. Movant also incorporates and restates the above requested relief on this issue, as outlined on page 12 of this motion..

32. For the reasons stated herein, Appellant Lambros respectfully requests this Honorable Court to remand this case back to the District Court for a finding of damages.

Respectfully submitted,

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John Gregory Lambros, Appellant - Pro Se

**UNSWORN DECLARATION UNDER PENALTY OF PERJURY**

I John Gregory Lambros, declare under penalty of perjury that the foregoing is true and correct, as are all the attached exhibits within this appeal brief. Title 28 U.S.C. 1746.

**Executed: April 6, 2021.**

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John Gregory Lambros, Pro Se

United States Court of Appeals  
For The Eighth Circuit  
Thomas F. Eagleton U.S. Courthouse  
111 South 10th Street, Room 24.329  
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Michael E. Gans  
Clerk of Court

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TO: Ms. Ana H. Voss  
CC: Mr. John Gregory Lambros

FROM: Anna L. Kleydman

DATE: March 29, 2021

RE: 20-3672 John Lambros v. United States, et al

Your brief in the above-case has been received. In reviewing the brief for filing, we noted the deficiencies shown below. Your brief cannot be filed until the defects are corrected. Please correct these defects within five days and resubmit the brief electronically for final review and processing. See 8th Cir. R. 28A(b). If the resubmitted brief passes review, you will receive a Notice of Docket Activity informing you that the brief has been filed. Upon receipt of this notice, you have five days to submit the paper copies of the brief and addendum required by 8th Cir. R. 28A(d) and (g)(4). Please contact us if you have any questions.

SUMMARY OF THE CASE IS MISSING, INCOMPLETE OR EXCEEDS 1 PAGE.  
See 8th Cir. R. 28A(i)(1).

The summary of the case must include a statement regarding the request for oral argument.

JURISDICTIONAL STATEMENT IS MISSING OR INCOMPLETE. See FRAP 28(a)(4)(A)-(D).

jurisdiction of district court or agency;

appellate jurisdiction;

filing dates establishing timelines; Dates of referenced district court order and notice of appeal required

assertion appeal is from final order or other basis for court's jurisdiction.

Again, your brief cannot be filed until you correct these defects. Failure to correct them may result in the issuance of an order to show cause why the appeal should not be dismissed (for appellant's opening brief) or why you should not be barred from filing the brief (for briefs other than appellant's opening brief). Thank you for your prompt attention to this matter. If you have any questions, please feel free to contact us.

EXHIBIT - A.