

UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

BERNARD TOCHOLKE
APPEAL

NOTICE OF POSSIBLE

Plaintiff-Appellant,
Vs.
THOMAS W. ANDERSON, JR.
Defendant-Appellee,

COMES NOW, the plaintiff, Bernard Tocholke, to notify this court that he might be forced to appeal, but FEARS that he might be conspired against to swindle him out of a fair and impartial trial (and appeal), and he THEREFORE, brings his suspicions to this court at this time to explain his 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 (February 27, 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 **twenty-five 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. Since that filing, the plaintiff has waited with anticipation for a reply and has not received one, which ultimately is making him afraid of his assumption that a conspired attempt of depriving him his hearing is at large. The reasons why is as follows;

- 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. Now that the Motion is filed, will there remain a silence for the entire duration for the statute of time limitation to expire?
- d. Will this case be **(Un)**-appealable, if she states that her DECISION AND DISMISSAL was final and “Now the time for appeal” had expired?
- e. Even though the plaintiff is waiting for a response for the **Motion for Reconsideration**, he suddenly thinks that maybe the conspiracy could be the ticking time clock from the actual **Decision and Dismissal**, which could expire while he anticipates for a reply for his **Motion** which might never happen.

THEREFORE because of that, the Plaintiff is now providing this Notice that he intends to appeal the decision, but is confused at what status his case is at. If the judge will provide a reply to the Motion, then this is not the Notice for the Intent to Appeal. However, if she is deliberately stalling in replying to the Motion until the time limit expires, this IS THE NOTICE FOR THE INTENTION TO APPEAL.

Signed this 27th day of February, 2012

Bernard Tocholke
49605 Wild Haven Rd.
Bruno, MN 55712

Copies sent to:
Thomas Anderson, Jr.
5401 – 60th Street
Kenosha, WI 53144
United States District Court for
The Eastern District of Wisconsin
517 E. Wisconsin Ave., Room 362
Milwaukee, WI 53202