

**U.S. District Court
Southern District of California (San Diego)
CIVIL DOCKET FOR CASE #: 3:01-cv-00582-K-LAB**

McCray v. National Labor, et al
Assigned to: Judge Judith N. Keep
Referred to: Magistrate Judge Larry Alan Burns
Demand: \$0
Case in other court: 02-55078
Cause: 18:1962 Racketeering (RICO) Act

Date Filed: 04/02/2001
Date Terminated: 09/26/2001
Jury Demand: Plaintiff
Nature of Suit: 470 Racketeer/Corrupt
Organization
Jurisdiction: Federal Question

Plaintiff

Emanuel McCray
and all others similarly situated

represented by **Emanuel McCray**
1736 State Street
#241A
San Diego, CA 92101-2513
(619)696-9838
PRO SE

V.

Defendant

National Labor Relations Board

represented by **U S Attorney CV**
U S Attorneys Office Southern District
of California
Civil Division
880 Front Street
Suite 6253
San Diego, CA 92101
(619)557-5662
Fax: (619)557-7122
Email: Efile.dkt.civ@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

United States of America
*and all other defendants similarly
situated*

represented by **U S Attorney CV**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Annette Houston
*Trustee, Teamster Local No 542, in her
official and individual capacities*

Defendant

George W Bush, Jr
*The United States of America;
President of the United States of
America, in his individual capacity*

represented by **U S Attorney CV**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

John Ashcroft
*United States Attorney General, in his
individual capacity*

Defendant

US Congress
*Members of Congress, each individual
capacities*

represented by **U S Attorney CV**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Governors
*Governors of the Several States, each
and all of them in their individual
capacities*

Defendant

Attorney Generals
*Attorneys Generals of the Several
States, each and all of them in their
individual capacities*

Defendant

National Labor Relations Board
NLRB in its official capacity

Defendant

Peter J Hurtgen

Chairman of the NLRB, in his official and individual capacities

Defendant

NLRB Officers

General Counsels and Employees, in their official and individual capacities

Defendant

Labor Organizations

in their corporate capacities

Defendant

Labor Union Executive Board

All Labor Union Executive Board Members in their official and individual capacities

Defendant

Teamsters Local No. 542

in its corporate capacity

Defendant

Tostdal, Levine, Smith, and Steiner

its corporate capacity

Defendant

Fern M Steiner

in his official and individual capacities

Defendant

Victoria E Aguayo

Region 21, NLRB, in her official and individual capacities

Defendant

Steven J Sorenson

Board Agent, Resident Office, San Diego, Region 21, NLRB, in his official and individual capacities

Defendant

Phillip Saal

Secretary Treasurer, Teamsters Local No. 542, in his official and individual capacities

Defendant

- Harold Smith

President, Teamsters Local No. 542, in his official and individual capacities

Defendant

Donald Paddock

Vice President, Teamsters Local No. 542, in his official and individual capacities

Defendant

Kenneth Lundren

Recording Secretary and Business Agen, Teamsters Local No. 542, in his official and individual capacities

Defendant

Jack Ross

Organizer and Trustee, Teamsters Local No. 542, in his official and individual capacities

Defendant

William Wendell

Trustee, Teamsters Local No. 542, in his official and individual capacities

Defendant

NLRB Professional Association

in its official coporate capacity

Defendant

NLRBU Executive Committee, in its official corporate capacity

in its offical corporate capacity

Date Filed	#	Docket Text
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04/02/2001	<u>1</u>	Complaint Filed; (referred to Magistrate Judge Larry A. Burns) Receipt No/Amt of Fee: 69856/\$150 t/w jury demand (ksr) (Entered: 04/04/2001)
08/09/2001	<u>2</u>	Summons issued (tkl) (Entered: 08/10/2001)
08/16/2001	<u>3</u>	First Amended complaint [1-1]; adding George W Bush Jr, John Ashcroft, John Ashcroft, US Congress, Governors, Attorney Generals, NLRB, Peter J Hurtgen, NLRB Officers, Labor Organizations, Labor Union Exec, Teamsters Local 542, Tostal, Levine, Smith and Steiner, Fern M Steiner, Victoria E Aguayo, Steven J Sorenson, Phillip Saal, Harold Smith, Donald Paddock, Kenneth Lundren, Jack Ross, Annette Houston, William Wendell, NLRB Professional, NLRBU Executive; demand for jury trial. (tkl) Modified on 08/17/2001 (Entered: 08/17/2001)
08/21/2001	<u>4</u>	DISCREPANCY ORDER by Judge Judith N. Keep rejecting document: parties must contact chamber from plaintiff Emanuel McCray , non-compliance with local rule other: parties must contact chamber to set mot hrg dates. Some documents are improper. (tkl) (Entered: 08/21/2001)
08/23/2001	<u>5</u>	Combined Motion by plaintiff Emanuel McCray for immediate ex parte temporary restraining order w/ citations of authority and req for hrg date on motion for preliminary injunction[motion referred to Judge Judith N. Keep] (tkl) (Entered: 08/27/2001)
08/23/2001	<u>5</u>	Combined for immediate ex parte temporary restraining order w/ citations of authority and request for hrg date on motion for preliminary injunction by plaintiff Emanuel McCray. (tkl) (Entered: 08/27/2001)
08/23/2001	<u>6</u>	Notice by plaintiff Emanuel McCray of administrative claim pursuant to Federal Tort Claims Act 28 USCA 2671. (tkl) (Entered: 08/27/2001)
08/23/2001	<u>7</u>	Notice by plaintiff Emanuel McCray of req for production and delivery pursuant to FR 34 and CA Civil Discovery Act of 1986 (tkl) (Entered: 08/27/2001)
08/23/2001	<u>8</u>	Certificate of service (via the internet) by plaintiff Emanuel McCray (tkl) (Entered: 08/27/2001)
08/23/2001	<u>9</u>	Certificate of service by plaintiff Emanuel McCray (OK to file per chambers) (tkl) Modified on 08/27/2001 (Entered: 08/27/2001)
08/23/2001	<u>10</u>	Certificate of service by plaintiff Emanuel McCray (tkl) (Entered: 08/27/2001)

08/23/2001	11	List of Exhibits of 1st amd cmp by plaintiff Emanuel McCray (tkl) (Entered: 08/27/2001)
08/27/2001	12	Praecipe: for request for Alias Summons by plaintiff Emanuel McCray (ksr) (Entered: 08/28/2001)
08/27/2001	13	Notice by plaintiff Emanuel McCray of improper service of summons: original copy of embossed summons mistakenly mailed to the Department of Justice on 8/14/01. (ksr) (Entered: 08/28/2001)
08/27/2001	14	Declaration of Peter Young by plaintiff Emanuel McCray re notice [13-1] (ksr) (Entered: 08/28/2001)
08/29/2001	15	Praecipe by plaintiff Emanuel McCray (tkl) (Entered: 08/30/2001)
08/29/2001	16	(Alias) Summons issued (tkl) (Entered: 08/30/2001)
09/26/2001	17	Order by Judge Judith N. Keep; Pla's motion for a temporary injunction is denied [5-1] and pla's complaint is dismissed without prejudice; If pla chooses to proceed with this action, within forty five (45) days from the day this order is stamped "filed" he must also file an amended complaint; Pla should assume he has only one chance to properly amend the complaint; In his amended complaint, pla should identify in a short and plain manner exactly what is the legal basis for the court's jurisdiction (axr) (Entered: 09/27/2001)
09/26/2001	18	Clerks Judgment: Pla's motion for a temporary injunction is denied and pla's complaint is dismissed without prejudice; If pla chooses to proceed with this action, within forty five (45) days from the day this order is stamped "filed" he must also file an amended complaint; Pla should assume he has only one chance to properly amend the complaint; Pla should identify in a short and plain manner exactly what is the legal basis for the court's jurisdiction terminating case (axr) (Entered: 09/27/2001)
10/29/2001	19	Return of Service executed of alias summons and complaint and amended complaint on 9/26/01, accepted by certified mail (axr) (Entered: 10/30/2001)
11/19/2001	20	DISCREPANCY ORDER by Judge Judith N. Keep rejecting document: second amd complaint from plaintiff Emanuel McCray , non-compliance with local rule other: Per crt order dated 9/26/01, pla had 45 days to refile second amd complaint/did not meet deadline (per chambers) (axr) (Entered: 11/30/2001)
11/29/2001	21	Notice of withdrawal by plaintiff Emanuel McCray (axr) (Entered: 11/30/2001)

12/05/2001	22	Order by Judge Judith N. Keep; Pla did not file an amended complaint within the forty five days granted by this court; Pla's action is dismissed with prejudice (axr) (Entered: 12/06/2001)
12/05/2001	23	Clerks Judgment: Pla did not file an amended complaint within the forty five days granted by this court; Pla's action is dismissed with prejudice terminating case (axr) (Entered: 12/06/2001)
01/04/2002	24	***REC'D IN DOCKETING 1/9/02*** Request by plaintiff Emanuel McCray to enter default (case termed) (axr) Modified on 01/09/2002 (Entered: 01/09/2002)
01/04/2002	25	***REC'D IN DOCKETING 1/9/02*** Declaration of Failure to plead or otherwise defend in support of application for entry of default by plaintiff Emanuel McCray (case termed) (t/w exhibits) (axr) Modified on 01/09/2002 (Entered: 01/09/2002)
01/04/2002	26	Notice of appeal by plaintiff Emanuel McCray from Dist. Court decision entered on 12/6/01. Receipt No/Amt of Fee: #078205, \$105 [23-2] (dkt clerk) (Entered: 01/10/2002)
01/10/2002		Notice of appeal sent to Circuit Court [26-1] (dkt clerk) (Entered: 01/10/2002)
01/17/2002	27	Notification by Circuit Court of Appellate Docket Number [26-1] 02-55078 (dkt clerk) (Entered: 01/17/2002)
01/17/2002	28	Received Order for appeal time schedule from USCA: Aplnt to notify aplee of trans ordered: 1/14/02; Aplee to notify aplnt of addtnl trans: 1/24/02; Aplnt to file trans order form w/ USDC: 2/4/02; Ct Rpt to file trans in USDC: 3/6/02 (dkt clerk) (Entered: 01/17/2002)
01/24/2002	29	DISCREPANCY ORDER by Judge Judith N. Keep rejecting document: notice of motion from plaintiff Emanuel McCray , non-compliance with local rule 5.1.j.4/ other: Document is for court of appeals; Rico case statement includes only a copy (axr) Modified on 01/24/2002 (Entered: 01/24/2002)
07/31/2002	30	Copy of Appellate Court Order: Appellees' opposed motion for summary disposition of this appeal is granted. USCA summarily affirm the district court's judgment. All pending motions are denied as moot. Affirmed. (dkt clerk) (Entered: 08/01/2002)
01/31/2003	31	Copy of Appellate Court Order the motion for rehearing and suggestion for rehearing en banc is denied as untimely (dkt clerk) (Entered: 02/03/2003)
02/10/2003		Received judgement from USCA. Forward to Court Clerk for calendar. (dkt clerk) (Entered: 02/11/2003)

02/12/2003	32	Notice of Spreading the Mandate ; Appeal mandate hrg set for 11:00 3/10/03 before Judge Judith Keep re USCA affirming the USDC decision " (dkt clerk) (Entered: 02/12/2003)
02/21/2003	33	Notice of Spreading the Mandate ; Appeal mandate hrg is re-set for 9:00 3/19/03 before Judge Judith Keep " (dkt clerk) (Entered: 02/21/2003)
03/10/2003	34	Notice of Spreading the Mandate; Appeal mandate hrg re-set for 10:00 3/24/03 before Judge Judith Keep " (dkt clerk) (Entered: 03/11/2003)
03/24/2003	35	Minutes of Mandate Hearing, certified copy of USCA jgm certified copy of USCA jgm affirming USDC decision ordered filed and entered ; Court Reporter: N. Martinez (dkt clerk) (Entered: 03/24/2003)
03/24/2003	36	Certified copy of judgment from USCA affirming the decision of the District Court re: appeal [26-1] (dkt clerk) (Entered: 03/24/2003)

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