

FILED

UNITED STATES COURT OF APPEALS

MAY 13 2008

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JIMMY C. CHISUM,

Plaintiff - Appellant,

v.

DEPARTMENT OF THE INTERIOR; et
al.,

Defendants - Appellees,

UNITED STATES OF AMERICA,

Counter-claimant - Appellee.

No. 08-15096

D.C. No. CV-05-02830-JAT
District of Arizona,
Phoenix

ORDER

Before: THOMAS and CALLAHAN, Circuit Judges.

The court has received and reviewed the response to this court's February 6, 2008 order to show cause. Appellant's February 28, 2008 response reflects that the notice of appeal was timely served. *See* Fed. R. App. P. 4(c), 25(a)(2)(C); *Houston v. Lack*, 487 U.S. 266, 270 (1988). Accordingly, the order to show cause is discharged.

Appellant's motion to proceed in forma pauperis is denied. Within 21 days after the date of this order, appellant shall pay \$455.00 to the district court as the

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docketing and filing fees for this appeal and file proof of payment with this court. Failure to pay the fees will result in the automatic dismissal of the appeal by the Clerk for failure to prosecute, regardless of further filings. *See* 9th Cir. R. 42-1.

No motions for reconsideration, clarification, or modification of the denial of appellant's in forma pauperis status shall be filed or entertained.

If appellant pays the fees as required and files proof of such payment in this court, appellant shall simultaneously show cause why the judgment challenged in this appeal should not be summarily affirmed. *See* 9th Cir. R. 3-6. If appellant elects to show cause, a response may be filed within 8 days after service of appellant's filing. If appellant pays the fees but fails to file a response to this order, the Clerk shall dismiss this appeal for failure to prosecute. *See* 9th Cir. R. 42-1.

If the appeal is dismissed for failure to comply with this order, the Clerk shall not file or entertain any motion to reinstate the appeal that is not accompanied by proof of payment of the docketing and filing fees and a response to the order to show cause.

Appellee United States' motion for summary affirmance and briefing are held in abeyance pending further order of this court.

Good Morning loving friends and family:

17 May, 2008

Settling in as they say; for the longer run. We had a town hall meeting yesterday to inform all of us not to think we will get any better treatment or benefit due to the Second Chance Act. One of the things that people have to have to qualify is no outside contact and no financial support; basically friends and family having deserted the inmate to leave him homeless is the view of what it takes to get more half way house time or consideration by that program. We remain at the mercy of the women scorned, and lesbians for our case treatment and consideration. Yeah Right!

One of the statistics that seems really on track, with a few exceptions is that friends and acquaintances get on with their life and drop their support of inmates by about the second year of incarceration.

The really good news is that I have those few exceptions who continue to respond to my letters and share with me a little piece of outside and home. Thank you!

The Supreme Court's great protection of the order of man has decided not to stand up to its own decisions as a ruling. I am no longer amazed that the local trial courts called inferior courts have such little respect for the Supreme Court and its decisions; it has no respect for its own decisions. In my case that relates to Boulware, 3-3-08 that would have meant my indictment and conviction are a fraud and cannot be sustained. But then that High Court decided to dismiss my petition and not even consider my case that is exactly on point.

Yes! America is in that big of a mess.

We are getting just a tiny sample of the justice we deserve from our great and merciful God. I often give praise the judgment and wrath are not my job; it is way too big of a responsibility for me. I would have nuked this place a long time ago; but then being like God in a few small ways I also see that there were a few times He felt like wiping the whole bunch out and starting over but reserved a few, at least 7,000 in every generation since Moses. That is a really tiny minority out of now 7 Billion of these upright creatures called humanoids.

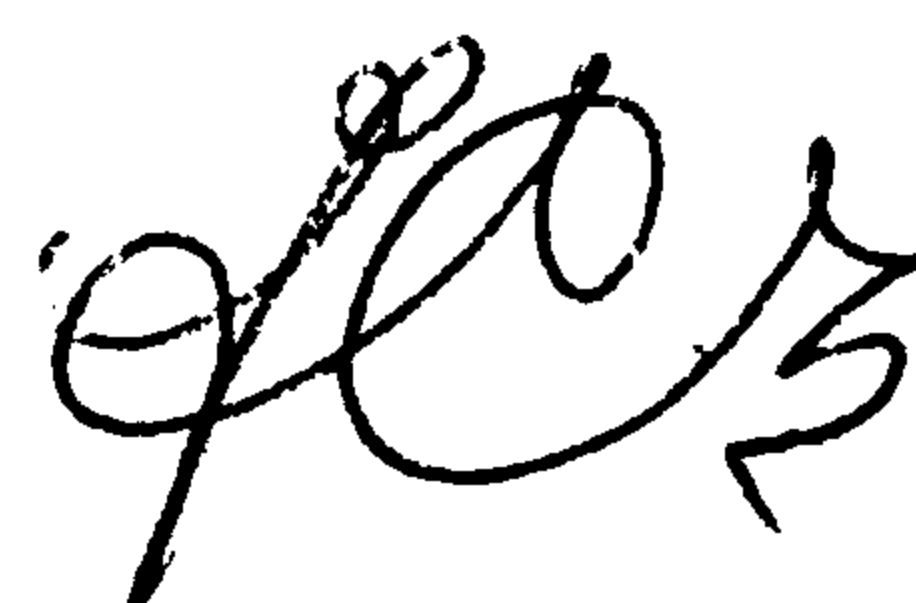
My latest news is that the 9th Ckt has adopted a rules trick to deny my appeal on the mine case. Their infinite wisdom to grant favoritism and prevent the issue from being heard is that I must pay the \$455 fee within 21 days and provide proof, simultaneously responding to Government action for summary disposition of me and my case. Some days the corrupt prejudice of the system to protect the status quo of corruption and crime amazes even me. So absent a miracle, or great charity, that issue will be over and erased soon.

The good news is that my daughters will not have to worry about me moving back out to that part of the desert once I am free. Of course it also means that I am fully and completely homeless; so maybe I will ultimately qualify for added halfway house time to reintegrate me to society.

I hope all of you are having a blessed life as I am. I have a lot more time for God and prayer; and once this nuisance of arguing cases is finished I will have a couple of years left with just that concentration on God and Kingdom as my primary purpose in life.

I did get invited to join the purpose driven life class. They do 40 days in a row going through that book and considering their purpose; most do it 2 or 3 times and by then they are ready to go home and try their purpose on the rest of the world.

Remember that you are loved.

A handwritten signature in black ink, appearing to be the initials 'RS' or similar, written in a cursive style.