IN SUPREME COURT NORTH DAKOTA

ORIGINAL COPY

20070037

Rydell GM Auto Center
Plaintiff

vs

Steven L. Johnson
Defendant

Civil No. 06-C-1619

FILED
IN THE OFFICE OF THE
CLERK OF SUPREME COURT

MAR 14 2007

STATE OF NORTH DAKOTA

Brief in Support of Motion to REMAND back to District Ct.

Facts

In June 2006 Johnson, hereafter, defendant had repairs done to his Auto at Rydell in the Amount of 2,344.00.

The defendant was insured with Progressive Auto, and was required to pay a $500.00 deductible.

On June 14, 2006 the defendant spoke with Randy Slater, Auto Manager in which the defendant made arrangements to pick up his Auto on 6-15-06 and pay the deductible on June 28, 2006.

On June 28, 2006 the defendant contacted Randy Slater and informed him that because of some foul up at Hebron Brick Company Payroll, he (the defendant) would not receive payroll until July 7, 2006.

On July 7, 2006 the defendant received in the mail his payroll check of eight-hundred and ten dollars / 810.00.

On July 7, 2006 the defendant did release his payroll check to Brandy Duntz with instructions to cash his check and make payment of 499.31 to Rydell.

Brandy Duntz never made payment.

In August 2006 the defendant sent a certified letter to the Grandfalls District Court Magistrate... Vigeland requesting that the Courts have the Prosecutors office issue a warrant.

In OCT 2006 the Courts responded that the defendant File a Civil Complaint.

ON December 14, 2006 A Entry of Judgement was served.

ON December 19, 2006 The defendant Filed A "Motion to be heard".

ON January 16, 2007, Judge Tahake denied the motion citing that Disregarding the Procedural deficiencies since the defendant is Presently incarcerated, but after having reviewed and considered the merits of his most recent filing, as well as after reviewing his Dec. 26th Filing, once again, defendant request For reconsideration Denied.

LAW AND ARGUMENT

Federal Rule 85 clearly states that Each facility must have a written policy and Procedure to Provide inmates reasonable to adequate legal materials or adequate assistance From Persons trained in the Law For Purposes of Preparing a defense in a Criminal Prosecution and CIVIL PROCEDURES and PROSECUTIONS.

The Attorney of records stated in his response that the defendant cites to no rules, statutes, case law or other Authority.

See P9(2)(4) of Response in opposition to defendants motion for reconsideration

The defendant also states that Judge Vrianke also said that the defendants Motion in Opposition is not Properly executed.

See memorandum decision

Pg (1) (2)

The defendant states that without Proper Legal Material, he is of An disAdvantage and that Any Judge who has the interest of Judgice would have Permitted the case to be heard.

The defendant states that the trial Court Abused it's discretion in Knowing that the Grandforks County Jail has no legal Library NOR Civil Attorneys to represent inmates in Civil Procedures and that this case should be remanded back to District Court.

Dated this 3 day of March 2007

Steven L. Johnson
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Grandforks ND 58201