

U.S. COURTS

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November 2, 2001

Chief District Judge B. Lynn Winmill  
United States Courthouse  
550 West Fort Street, Room 400  
Boise, ID 83724

RE: Adams v. United States, Civ. 01-00295 (D. Idaho)

**Request for Delay of Decision; Pending Requests for Admissions, Discovery**

Chief Judge Winmill,

This plaintiff requests of this court that decision, in regards to Defendant's Motion to Dismiss; Summary Judgment, be delayed until Plaintiff has had opportunity to receive an answer to Plaintiff's Request for Discovery and Admissions, sent to the Defendant as of this date, via fax and U.S. Mail.

At the "heart" of this matter before this Court is the issue of whether the Forest Service has complied with its regulation in its application of its policies toward the application submitted by Plaintiff.

Within this Discovery and Request for Admissions is the evidence required by plaintiff to prove his case before this Court. Within this Request for Discovery and Request for Admissions two things could be proven:

(1) Plaintiff's case is "live". There has been an on-going process, communication and contact i.e. "negotiations" going on between individuals and parties, and the Forest Service, that directly effect plaintiff's case, that these 'negotiations' have been on-going prior to November 2000, continue today and are scheduled to continue on through up to and including July 2002.

As part of this on-going process, plaintiff's application for special use was deemed 'incomplete', his civil rights of due process and equal protections were violated. Plaintiff's Right to petition and Judicial Scrutiny has been thwarted. Plaintiff's application and subsequent Complaint, has become a 'chip' on the table in the negotiations and though this

directly effects Plaintiff's individual rights of representation, he has not been a party to these negotiations.

(2) Defendant has asserted in their briefs, that plaintiff will not suffer citation for special use because either "Mr. Kline or some other individuals" will sign.

On October 5th, 2001, in a telephone conference call, Forest Service representatives, offered an 'alternative' they deny to Mr. Adams, to these other individuals and parties. Such an 'alternative' or some other 'alternative' suitable to this plaintiff would render this plaintiff's application 'complete'.

This Request for Discovery and Admissions will offer plaintiff clear evidence to present to this Court, that his actions in regards to this issue are not those of a person "who would be a law unto himself", but rather are valid and would be acceptable if Forest Service were to simply adopt a simple discretionary policy change, and plaintiff's actions would not "render the regulatory scheme inoperable" but is entirely within the regulatory framework as is, and would only require a change in policy application in order to render Mr. Adams' application valid.

This Plaintiff therefore, respectfully requests this Court to delay its decision in this matter, as to whether this Plaintiff's case is moot or should be dismissed, as per the Motion upon the part of Defendants' until at such time this Discovery and these answers to these Requests for Admissions, (numbering 42) have been duly answered; and can then be presented in a hearing on this matter.

Respectfully submitted,

DATED THIS November 2, 2001



Barry Adams, pro Se

## **CERTIFICATE OF SERVICE**

The undersigned Barry Adams, certifies that on the 2nd of November, 2001 I caused to be personally served via United States Postal Service, and fax, a true copy of the foregoing: **Request for Delay of Decision; Pending Requests for Admissions, Discovery**

upon:

Thomas W. Millet  
Amanda Quester  
United States Department of Justice  
Civil Division, Federal Programs Branch  
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