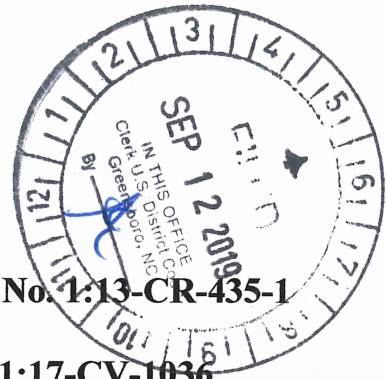


In the United States District Court
For the Middle District of North Carolina



**Brian David Hill,
Petitioner/Defendant**

v.

**United States of America,
Respondent/Plaintiff**

Criminal Action No. 1:13-CR-435-1

Civil Action No. 1:17-CV-1036

EMERGENCY

PETITIONER'S NOTICE OF INTERLOCUTORY APPEAL

NOW COMES the Petitioner, by and through Brian David Hill ("Brian D. Hill"), "Petitioner", or "Hill"), that is acting pro se in this action before this Honorable Court in the Middle District of North Carolina, and hereby respectfully moves to file this notice of interlocutory appeal.

Notice is hereby given that Defendant/Petitioner Brian David Hill in the above named case hereby appeal to the United States Court of Appeals for the Fourth Circuit from an order (Document #183, "Order on Motion to Continue") entered in this action on July 23, 2019. Hill shall give a lawful excuse as to why such appeal was filed untimely.

*See Fed. R. App. P. 3(c) for permissible ways of identifying appellants.

Hill's lawful excuse for filing untimely (as of August 6, 2019) is of medical health issues. Hill has had to attend a lot of medical appointments including those mandated by Hill's federal bond conditions requiring him to attend mental health

appointments for Piedmont Community Services. Hill had also to attend a lot of legal appointments for his current ongoing state appeal in Martinsville Circuit Court Case # CR19000009-00. Hill had many appointments, some located in Roanoke, Virginia, causing Hill to have no ability to determine if filing such an appeal would be frivolous or worthy of attempting. Hill can provide an affidavit or any evidence of all such appointments to the court if requested by the Court. Hill also had appointments with social security, social services for his Medicaid, and other appointments that could not have been avoided to permit more time to file in a timely fashion.

Also this NOTICE OF APPEAL concerns the protection of the constitutional rights of Hill including his right to appeal in the state court before the final supervised release revocation hearing to protect his procedural due process right to a speedy trial. The final revocation hearing scheduled for September 12, 2019, at 2:00PM is an error of law and violates Hill's right to a speedy trial in his state court trial (case # CR19000009-00) and Hill's right to the appeal in the Martinsville Circuit Court in connection with the Supervised Release Violation ("SRV"). The hearing the day thereafter violates Brian's right to participate in his state criminal case appeal process, violates his speedy trial rights, violates his right to cross examine the witnesses in his state case, his right to prove that he is actually innocent (legally innocent) of his state charge which is cause for such SRV petition for revocation, and is a unconstitutional error of law and an abuse of discretion. This appeal needs to be accepted and filed to protect Hill's due process rights being deprived by the final SRV hearing that is scheduled for the next day. This state case concerns the actual innocence of Brian David Hill (case # CR19000009-00) and any attempt to revoke his supervised release over a state charge that Hill is actually innocent of is cruel and unusual punishment, creates a legal system that punishes probationers or

any criminal defendants for any charges that they are legally innocent of, and is in contradiction to Congress's intent when the United States Probation statute was created. Congress never intended to create Federal Probation with an intent to revoke probation of anybody accused of a crime that they are actually innocent of (legal innocence is actual innocence). This creates a precedent where any criminal defendant that makes any enemies within the Government or Law Enforcement could face harassment by fake criminal charges and then probation can be revoked based on fake or wrongful criminal charges. Congress never intended for Federal Probation to be used as a mechanism to revoke those who were accused of violating a federal, state, or local law but was actually innocent of such charge.

Respectfully filed with the Court, this the 12th day of September, 2019.

Respectfully submitted,

Brian D. Hill
Signed

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Phone #: (276) 790-3505

U.S.W.G.O.

Former U.S.W.G.O. Alternative News reporter

I stand with QANON/Donald-Trump – Drain the Swamp

Brian asks Donald Trump for a full pardon of innocence, asks Qanon for help

Make America Great Again

Petitioner also requests with the Court that a copy of this pleading be served upon the Government as stated in 28 U.S.C. § 1915(d), that "The officers of the court

shall issue and serve all process, and preform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases". Petitioner requests that copies be served with the U.S. Attorney office of Greensboro, NC via CM/ECF Notice of Electronic Filing ("NEF") email, by facsimile if the Government consents, or upon U.S. Mail.
Thank You!

CERTIFICATE OF SERVICE

Petitioner hereby certifies that on September 12, 2019, service was made by hand delivery of the original of the foregoing:

EMERGENCY "PETITIONER'S NOTICE OF INTERLOCUTORY APPEAL"

Addressed to the Clerk of the Court in the United States District Court for the Middle District of North Carolina, 251 N. Main Street, Winston-Salem, N.C. 27101.

Then pursuant to 28 U.S.C. §1915(d), Petitioner requests that the Clerk of the Court move to electronically file the foregoing using the CM/ECF system which will send notification of such filing to the following parties to be served in this action:

Anand Prakash Ramaswamy U.S. Attorney Office Civil Case # 1:17 -cv-1036 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 Anand.Ramaswamy@usdoj.gov	Angela Hewlett Miller U.S. Attorney Office Civil Case # 1: 17 -cv-1036 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 angela.miller@usdoj.gov
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This is pursuant to Petitioner's "In forma Pauperis" ("IFP") status, 28 U.S.C. §1915(d) that "The officers of the court shall issue and serve all process, and perform all duties in such cases ... "the Clerk shall serve process via CM/ECF to serve process with all parties.

Date of signing:

September 12, 2019

Respectfully submitted,

Brian D. Hill

Signed

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Phone #: (276) 790-3505

U.S.W.G.O.

I stand with QANON/Donald-Trump – Drain
the Swamp

Make America Great Again

Qanon
S.O.S.
help me