

66

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

RECEIVED

2011 MAY -2 AM 10:09

U.S. COURT OF APPEALS
FOURTH CIRCUIT

WILLIAM H. ISELY, (Gemtronics Inc)
Appellant,

v.

FEDERAL TRADE COMMISSION,
Respondent.

No. 11-1301

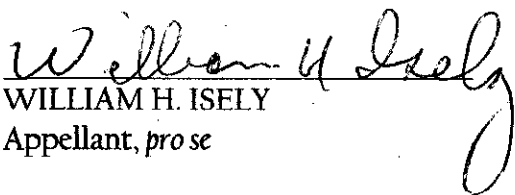
APPELLANT'S MOTION TO DENY RESPONDENT'S (FTC) MOTION TO DISMISS

William H. Isely hereby petitions this Court to deny the Respondent's (FTC) motion to dismiss Appellant's Request for Review from a Final Decision Rendered by the FTC on Feb. 11, 2011, and continue proceedings as scheduled by the Court. Appellant had contacted the Clerk of the Court for an understanding of the Court's procedures and learned that there was a 60 period before the Petition for Review would be due and that subsequent events would be scheduled by the Court. If there is a timeliness irregularity it is not the making of the Appellant.

It is interesting to note that this is the same Commission that in the trial phase took 5 more days than allowed by their rules for the Initial Decision of the ALJ to become their position, in the award phase seemed to bend time twice so that their Complaint Counsel's submissions would not be untimely, and then allowed the Complaint Counsel to submit a second Answer two weeks after the Respondent's Reply.

The Appellant was aware there was a 30 day period for the initial application for Award of attorney's fees, and complied with that, but this current action is an appeal from a lower courts decision, not a request of attorney's fees. The Appellant was given no reason to believe when he contacted the Clerk that lower court requirements carried up to the Appeal level and accepted the information of the Clerk of the Appeal Court of the 4th circuit in good faith.

DATED this 27th of APRIL, 2011.


WILLIAM H. ISELY
Appellant, *pro se*

CERTIFICATE OF SERVICE

I certify that on 4-28-2011, I served a complete copy of this Motion to Dismiss on all parties, addressed as shown below:

Patricia S. Connor, Clerk
U. S. Court of Appeals for the Fourth Circuit
1100 East Main Street, Suite 501
Richmond, Virginia 23219-3517

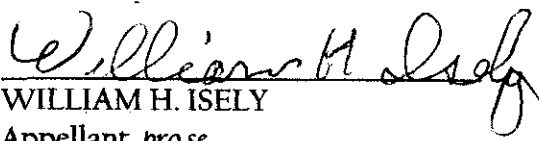
Donald S. Clark
FEDERAL TRADE COMMISSION, H135
600 Pennsylvania Ave., NW
Washington, DC, 20580-0000
DCLARK@ftc.gov

Lawrence DeMille-Wagman
Federal Trade Commission
600 Pennsylvania Ave, NW
Washington, DC. 20580
LWAGMAN@FTC.GOV

John F. Daly
Federal Trade Commission
600 Pennsylvania Ave., NW
Washington, DC, 20580
JDALY@FTC.GOV

S. M. Oliva
128 Old Fifth Circle
Charlottesville, VA, 22903
director@antitrusthall.com

DATED this 28th of April, 2011.


WILLIAM H. ISELY
Appellant, *pro se*

William H. Isely - Appellant
300 Finsbury Street, #103
Durham, NC, 27703

tel 919-474-2453
email b.isely@ftpmailbox.com

To:

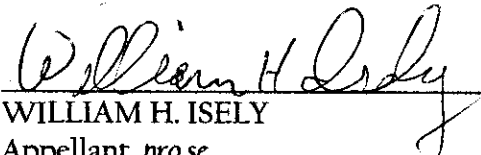
Patricia S. Connor, Clerk
U. S. Court of Appeals for the Fourth Circuit
1100 East Main Street, Suite 501
Richmond, Virginia, 23219-3517

CC to: Donald Clark, Sec. FTC.
John Daly FTC
Lawrence DeMille-Wagman FTC
S. M. Oliva

Dear Ms. Patricia S. Connor:

Enclosed is my Motion to Deny Responden't Motion to Dismiss

DATED this 28th of March, 2011.


WILLIAM H. ISELY
Appellant, *pro se*

RECEIVED
2011 MAY -2 AM 10:09
U.S. COURT OF APPEALS
FOURTH CIRCUIT