

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	
)	
RUDOLPH GEORGE STANKO,)	8:05CR93
)	
Defendant.)	

NOTICE OF APPEAL

COMES NOW Rudolph Stanko, the Defendant in the above-entitled matter, with this notice of appeal of certain aspects of the Court’s May 4, 2005 Memorandum and Order (Document #47) to the Court of Appeals. Jurisdiction for this appeal is grounded in 28 U.S.C. § 1292(a)(1) with regard to the portion of the Court’s order denying the Defendant’s Motion For Declaratory Judgment (Document #22) and in 28 U.S.C. § 1292(a)(1) and the collateral order doctrine established in *Cohen v. Beneficial Indus. Loan Corp.*, 337 US. 541 (1949), with regard to the portion of the Court’s order denying the Defendant’s petition and motion for declaration (Document #23) and Defendant’s motion for access to grand jury transcripts (Document #21).¹

s/ Roger I Roots, Esq.
Roger I Roots, Esq., R.I. Bar #6752
Attorney for Defendant
Pro hac vice
597 Broad St. #3
Central Falls, RI 02863
Telephone: (401) 290-8260

¹ Defendant notes that the grand jury improprieties may also qualify for interlocutory review under 28 U.S.C. § 1292(b), upon an application for certification. See *United States v. Bonnell*, 483 F. Supp. 1091 (C.D. Minn. 1979).

CERTIFICATE OF SERVICE

I, Roger Roots, do certify that on May 9, 2005 a copy of the foregoing document was transmitted electronically using the CM/ECF system which sends notification of such filing to the attorney for the government appearing in this case.

Signed: Roger I Roots, Esq.
Roger I. Roots, RI Bar #6752
Attorney for Defendant
597 Broad St. #3
Central Falls, RI 02863
(401) 290-8260
rroots@unlv.nevada.edu