

UNITED STATES COURT OF APPEALS  
SECOND DISTRICT OF NEW YORK

Dana H. Fox, Pro-se )  
Plaintiff/appellant )  
V. ) Lower Court Case: 09-50026(REG)  
 ) Claim #4287  
General Motors, Inc. )  
Motors Liquidators, etal ) Appeal #  
Defendants/appellee )

MOTION FOR LEAVE TO APPEAL

Now Comes Plaintiff/Appellant Dana H. Fox, Pro-se to re-submit this direct appeal from Federal Bankruptcy Court to this Honorable Federal Court of Appeals.

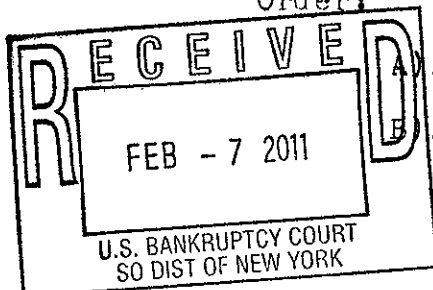
Please review previous submittal of 12/4/11/10 as served by U.S. mail and note that on 2/2/11 a clerk in Appeals Court verified that this matter is not in your computer.

Mr. Fox Pro-se motions to waive filing fee as he (and others) are involuntarily "dragged" into Bankruptcy Court; This is a matter of Public Safety and public interest.

Mr. Fox Pro-se was One hearing away from a §Contempt of Court Finding against General Motors, Inc. in the lower Court (Circuit Court) in Florida; When "The automatic stay of Bankruptcy" was entered by General Motor's Attorneys.

Other Matters for direct Appeal:

- 1). A Provision in Bankruptcy Court Order to have certain cases  
RETURNED TO  
Lower Court from Bankruptcy Court.
  - A). Motion for this by Mr. Fox, Pro-se is denied by Bankruptcy Court.
- 2). Alternate Dispute Resolution is offered through Bankruptcy Court Order:
  - A). Accepted by Mr. Fox, Pro-se.
  - B). No Response (to Date) From Motors Liquidators.



3). Bankruptcy Court orders to maintain Jurisdiction of this matter in "OMNIBUS" order; As it so appears, to Dismiss and/or Cancel the value of the legitimate claim(s) from lower circuit court.

A). Omnibus Objection order entered several times to date (on record): The most recent date of Jan. 27, 2010 with March 1, 2011 Hearing with a submittal deadline of Feb. 22, 2011:

THIS MOTION FOR LEAVE TO APPEAL IS MR. FOX PRO-SE'S OBJECTION TO THE OMNIBUS OBJECTION.

Mr. Fox, Pro-se points out, again, that General Motors, Inc. Bankrupt as they IS NOT (The Corporation) is bailed out by the U.S. Government! Wherefore, Mr. Fox, Pro-se files this motion for leave to Appeal Directly to Federal Appeals Court so this matter will be handled beyond The "Glut" of Submittals in Bankruptcy Court: [Additional Pleading to Follow as deemed necessary].

Please see copy of mail receipt verifying service of previous submittal on 12/13/10, Ex. 1 and follow up on 1/7/11 (To Bankruptcy Court Zip Code). Motion for more time to Respond by Mr. Fox, Pro-se is brought forward Here-in.

Please see copies of correspondence from Bankruptcy Court without filing fee and not recognizing the direct Appeal to Appeals Court; Ex. 1,2,3 attached.

Respectfully submitted

*Dana H. Fox*  
Dana H. Fox, Pro-se

AFFIDAVIT OF SERVICE *D.H.F.*

I certify that true copies are served by U.S. Mail on this date 2/2/11 to;

Appeals Court 2nd District New York  
Bankruptcy Court Southern District N.Y.  
Motors Liquidators for General Motors and their Attorneys)

*D.H.F.*  
PLEASE FORWARD

15/1625-2 PARLIMEN... DR.  
FT. WALTERS, FLA. 33907

DANA H. FOX, PRO-SE  
1500A LAFAYETTE RD. #192  
POPESTONVILLE, N.C. 28061  
MAIL FORWARDING, QUINCY, ILL.

UNITED STATES COURT OF APPEALS  
40 FOLEY SQ.  
N.Y., N.Y. 10007  
ATT. CLERK'S OFFICE

RE: APPEAL FROM U.S.  
BANKRUPTCY COURT  
RELATIVE TO GENERAL MOTORS, INC.  
CASE: 09-50026 (REW)  
CLAIM: 4287  
MOTION: TO WAIVE FILING FEE

DEAR YOUR HONORS:

MR. FOX, PRO-SE SUBMITS THIS APPEAL IN THE BEST MANNER HE CAN, AT PRESENT.

THE U.S. BANKRUPTCY COURT IN NEW YORK WAS CREATED AS THERE WASN'T ONE, NOT THAT LONG AGO, MR. FOX WAS THERE, AFTER NUMEROUS REQUESTS, TO SOLVE THIS PROBLEM. AS A VOLUNTEER TO AMERICA AND UNDER VOWS OF POVERTY: [THE TRUSTEES OF THE U.S. OWE MR. FOX SO MUCH MONEY, THEY CAN'T AFFORD TO PAY HIM], THIS ALSO MAKES IT DIFFICULT FOR MR. FOX, PRO-SE TO UPHOLD HIS OATHS) [3 TIMES TAKEN] TO DEFEND THE CONSTITUTION. MR. FOX, PRO-SE IS UNWILLINGLY FORCED INTO A BANKRUPTCY CONFRONTATION (AGAIN) WITH GENERAL MOTORS, INC. OVER THE SAME AUTOMOBILE, BEFORE THIS COURT, AGAIN; AND IN CIRCUIT COURT IN FORT MYERS, FLORIDA, MR. FOX BEING FOUND IN CONTEMPT OF COURT FOR FAILING TO RESPOND TO A COURT ORDERED SUBPOENA. ALTERNATE DISPUTE RESOLUTION.

IS GIVEN BY BANKRUPTCY COURT AND THE LOWER COURT RECORD SHOWS MR. FOX, PRO-SE CHOSE THIS YET NO ONE HAS CONTACTED MR. FOX OR SENT HIM, BY MAIL, A PERSON TO CONTACT AT MOTORS LIQUIDATORS [GARDEN CITY GROUP, INC. DUBLIN, OH]. NOW, BANKRUPTCY COURT HAS AN "OMNIBUS DECISION" CANCELING, YET SAVING, CLAIMS AND A CLAUSE, THAT CERTAIN CASES CAN RETURN TO LOWER COURT. NO RESPONSE TO DATE TO MR. FOX PRO-SE'S ADDITIONAL MOTIONS; § OBSTRUCTION OF JUSTICE & COLLUSION.

CC- BANKRUPTCY COURT  
GARDEN CITY GROUP, INC.  
MOTORS LIQUIDATORS 12/11/10

RESPECTFULLY SUBMITTED  
Dana H. Fox, PRO-SE  
DANA H. FOX " " "

~~✱~~ P.S. INSTEAD OF MAKING THIS ALL BACK, PLEASE INFORM MR. FOX, PRO-SE WHAT THE FILING FEE IS, IF IT CANNOT BE WAIVED → MOTIONED FOR DUE TO PUBLIC INTEREST

UNITED STATES COURT OF APPEALS  
DISTRICT OF NEW YORK  
NEW YORK

DAVID H. FOX, PRO-SE  
PLAINTIFF/APPELLANT

V.

NEW YORK SOUTHERN DISTRICT  
UNITED STATES BANKRUPTCY COURT  
GENERAL MOTORS, INC.  
MOTOR LIQUIDATORS, INC. ET AL  
UNITED STATES GOVERNMENT  
APPELLEES

LOWER COURT CASE: 09-50026 (REG)  
CLAIM # 4287

APPEAL #: \_\_\_\_\_

NOTICE OF APPEAL  
AND MOTIONS

NOW COMES PLAINTIFF/APPELLANT DAVID H. FOX, PRO-SE  
ASKING RELIEF FROM U.S. BANKRUPTCY COURT SOUTHERN  
DISTRICT OF NEW YORK; IN REGARDS TO THE  
ALLEGED BANKRUPTCY OF GENERAL MOTORS INC.:

1. GENERAL MOTORS INC. IS NOT BANKRUPT; THEY (IT) IS BAILED  
OUT BY THE UNITED STATES GOVERNMENT.
2. IT APPEARS THAT GENERAL MOTORS INC., THE UNITED  
STATES GOVERNMENT AND NOW, THE U.S. BANKRUPTCY  
COURT, MAY BE IN OBVIOUS COLLUSION TO DE-FRAUD  
DEBTORS; PLAINTIFFS AND SHARE HOLDERS (INVESTORS):  
MR. FOX PRO-SE PRESENTS THIS ONLY FROM A CAREFUL  
AND STUDIED, VANTAGE POINT OF FIRST HAND EXPERIENCE
3. THE MOST RECENT U.S. BANKRUPTCY COURT RULING  
IN AN "OMNIBUS" DECISION SHOWS HOW CONVOLUTED  
THE POINT OF BEING MOST] [AND CONTRADICTORY TO

H.) THE BANKRUPTCY COURT CLAIMS TO RETAIN  
JURISDICTION WHEREAS MR. FOX, PRO-SE MOTIONS  
THE APPEALS COURT TO TAKE JURISDICTION  
AS THIS COURT HAS JURISDICTION AS DEFINED  
IN APPELLANT PROCEDURES:

[THERE IS NO SENSIBLE COURSE, OR CAUSE OF  
ACTION TO DELAY THIS MATTER IN U.S. DISTRICT COURT.]

MR. FOX PRO-SE MOTIONS THE APPEALS COURT TO RECOGNIZE THE RIGHTS OF A PRO-SE LITIGANT; DOES THIS HONORABLE COURT RECOGNIZE THE RIGHTS OF A PRO-SE LITIGANT? AND GRANT LEISWAY. WITH EXTRA TIME TO RESPOND DUE TO MAIL FORWARDING.

MR. FOX, PRO-SE MOTIONS THIS HONORABLE COURT TO ACCEPT THIS HANDWRITTEN SUBMITTAL AND SUBSEQUENT PLEADINGS AS MR. FOX PRO-SE HAS PROMISED NOT TO USE COMPUTERS AND THE INTERNET (WHICH DOES MAKE EVERYTHING MORE DIFFICULT FOR MR. FOX, PRO-SE); AS A TRAVELER, MR. FOX PRO-SE CANNOT FIND TYPEWRITERS OR EVEN WORD PROCESSORS ANYMORE, WHICH DOES NOT HELP IN HIS TRAVEL RESPONSIBILITIES.

THIS IS ALSO A MOTION TO HAVE ~~THE~~ RECORD FROM U.S. BANKRUPTCY COURT TRANSFERRED TO U.S. APPEALS COURT N.Y., N.Y. AND MR. FOX PRO-SE ASKS THE U.S. APPEALS COURT TO ORDER THE U.S. BANKRUPTCY COURT NOT TO SOBSTRUCT JUSTICE IN THIS MATTER ANYMORE.

MEMORANDUM PLEADING TO FOLLOW

I CERTIFY THAT A TRUE COPY IS SERVED BY U.S. MAIL ON THIS DATE 12/11/10 TO:

U.S. BANKRUPTCY COURT AND

STRUCTORS LIQUIDATORS:  
GARDEN CITY GROUP, INC.

RESPECTFULLY SUBMITTED

Dawn A. Fox PRO-SE  
DANA A. FOX PRO-SE

=====

CASAS ADOBES  
TUCSON, Arizona  
857049998  
0363680735-0099  
01/07/2011 (800)275-8777 03:22:51 PM

=====

Sales Receipt		
Product Description	Sale Unit Qty Price	Final Price
NEW YORK NY 10004 Zone-8 First-Class Letter 0.80 oz.		\$0.44
Issue PVI:		\$0.44
Total:		\$0.44
Paid by:		
Cash		\$1.00
Change Due:		-\$0.56

Order stamps at USPS.com/shop or  
call 1-800-Stamp24. Go to  
USPS.com/clicknship to print

=====

SAFFORD MPO  
SAFFORD, Arizona  
855469998  
0363680554-0099  
12/13/2010 (928)428-0220 09:09:30 AM

=====

Sales Receipt		
Product Description	Sale Unit Qty Price	Final Price
DUBLIN OH 43017 Zone-7 First-Class Letter 0.70 oz.		\$0.44
Issue PVI:		\$0.44
NEW YORK NY 10007 Zone-8 First-Class Letter 0.70 oz.		\$0.44
Issue PVI:		\$0.44
NEW YORK NY 10004 Zone-8 First-Class Letter 0.70 oz.		\$0.44
Issue PVI:		\$0.44
Total:		\$1.32
Paid by:		
Cash		\$1.32

Order stamps at USPS.com/shop or

**UNITED STATES BANKRUPTCY COURT**  
SOUTHERN DISTRICT OF NEW YORK  
ONE BOWLING GREEN ROOM 534  
NEW YORK, NY 10004-1408  
(212) 668-2870

Vito Genna  
CLERK OF COURT

December 29, 2010

Dana H. Fox  
1500 A Lafayette Rd - #192  
Portsmouth, NH 03801

RE: General Motors, Inc. (REG)

Dear Dana H. Fox:

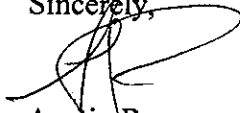
An appeal was filed in the above named proceeding on December 17, 2010.

The Designation of the Contents of the Record on Appeal and Statement of Issues must be filed on or before *fourteen (14) days* from the *date* that the *notice of appeal* was filed, including weekends and holidays. You are required to serve the designation and file an affidavit of service with the Bankruptcy Court. All items that support your appeal listed in the Designation must appear on the Bankruptcy Docket Sheet.

Please note that once the appeal is sent to the District Court, the District Court may request you to provide a copy of all the documents listed in your designation.

Failure to comply with filing your **designation** or **paying the filing fee** may result in the Bankruptcy Clerk's Office transmitting an incomplete appeal to the United States District Court with a recommendation that the appeal be dismissed.

Sincerely,



Anatin Rouzeau  
Deputy Clerk

11111  
DANA H. FOX, PRO-SE  
1500 A LAFAYETTE RD.  
#192  
POATS, NH. 07801

UNITED STATES BANKRUPTCY COURT  
ONE BOWLING GREEN RM. 534  
N.Y., N.Y. 10004-1408

ATT. ANATIN ROUBEAU

RE: DEC-29, 2010  
CORRESPONDENCE  
09-50026 (REV)  
CLAIM #4287.

PLEASE NOTE MR. FOX PRO-SE'S MOTION FOR MORE TIME  
TO RESPOND DUE TO TRAVEL RESPONSIBILITIES.  
IN YOUR CORRESPONDENCE OF 12/29/10 THERE IS  
NO MENTION OF WHAT THE FILING FEE IS.  
THE APPEAL NOTICE WAS SENT TO THE U.S. COURT  
OF APPEALS MT DISTRICT COURT.

THE COPY OF APPEAL WAS SERVED BY U.S. MAIL  
TO MOTORS LIQUIDATORS AS THEY CLAIM TO HANDLE  
THE COURT PAPERS IN THIS MATTER.

MR. FOX HAS MOTIONED THE APPEAL COURT TO  
WAIVE THE FILING FEE FOR PUBLIC INTEREST.  
PLEASE SEND THE ADDRESS FOR DISTRICT COURT  
THE FEE REQUIREMENT AND ANYTHING ELSE  
YOU REQUIRE WITH THE CIVIL COVER SHEET.

RESPECTFULLY  
Dana H. Fox  
DANA H-FOX, PRO-SE

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK  
ONE BOWLING GREEN ROOM 534  
NEW YORK, NY 10004-1408  
(212) 668-2870

Vito Genna  
CLERK OF COURT

January 24, 2011

Dana H. Fox  
1500 A Lafayette Rd - #192  
Portsmouth, NH 03801

RE: General Motors, Inc. 09-B-50026 (REG)

Dear Dana H. Fox:

An appeal was filed in the above named proceeding on December 17, 2010.

Along with this appeal, an Application to Waive the Appeal Filing Fee was filed. On January 6, 2011, Judge Robert E. Gerber has DENIED this application. Attached is a copy of this Order. A **filing fee** of **\$255.00** is now required to proceed with this appeal to the United States District Court.

Failure to comply with **paying the filing fee** may result in the Bankruptcy Clerk's Office transmitting an incomplete appeal to the United States District Court with a recommendation that the appeal be dismissed.

The Designation of the Contents of the Record on Appeal and Statement of Issues must also be filed on or before **fourteen (14) days** from the **date** that the **notice of appeal** was filed, including weekends and holidays. You are required to serve the designation and file an affidavit of service with the Bankruptcy Court. All items that support your appeal listed in the Designation must appear on the Bankruptcy Docket Sheet.

Sincerely,



Anatin Rouzeau  
Deputy Clerk

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

_____		)	
In re:		)	Chapter 11
		)	
Motors Liquidation Company, <i>et al.</i> ,		)	Case No. 09-50026(REG)
<i>f/k/a</i> General Motors Corp., <i>et al.</i>		)	
		)	
Debtors.		)	Jointly Administered
_____		)	

ENDORSED ORDER REGARDING DANA FOX'S  
MOTION TO WAIVE APPEAL FILING FEE

The Court deems the letter received from Dana Fox on December 17, 2010 (ECF #8292) to be a motion to waive appeal filing fee. Fox's appeal is ECF #8291. The motion is denied for failure to indicate the order that the litigant is appealing and for failure to provide financial information so that the Court can determine whether the litigant has the ability to pay the filing fee.

Dated: New York, New York  
January 6, 2011

*s/Robert E. Gerber*  
United States Bankruptcy Judge