

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

MEL HARTMAN, Plaintiff, v. RANDY COCKER, Defendant.	CIVIL ACTION NO. 1:20-cv-02279 (CONNER, J.) (SAPORITO, M.J.)
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MEL HARTMAN, Plaintiff, v. STEVEN T. HEINLY, Defendant.	CIVIL ACTION NO. 1:20-cv-02280 (CONNER, J.) (SAPORITO, M.J.)
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MEL HARTMAN, Plaintiff, v. BRIAN A. WICZKOWSKI, Defendant.	CIVIL ACTION NO. 1:20-cv-02281 (CONNER, J.) (SAPORITO, M.J.)
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MEL HARTMAN, Plaintiff, v. ALEXANDER C. DAMINGER, Defendant.	CIVIL ACTION NO. 1:20-cv-02282 (CONNER, J.) (SAPORITO, M.J.)
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MEL HARTMAN, Plaintiff, v. JOSEPH J. AMBROMAITIS, Defendant.	CIVIL ACTION NO. 1:20-cv-02283 (CONNER, J.) (SAPORITO, M.J.)
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MEL HARTMAN, Plaintiff, v. WILLIAM E. BRENNER, JR., Defendant.	CIVIL ACTION NO. 1:20-cv-02285 (CONNER, J.) (SAPORITO, M.J.)
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MEL HARTMAN, Plaintiff, v. ZACHARY V. MEADOR, Defendant.	CIVIL ACTION NO. 1:20-cv-02286 (CONNER, J.) (SAPORITO, M.J.)
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MEL HARTMAN, Plaintiff, v. CHRISTOPHER R. LAPPLER, Defendant.	CIVIL ACTION NO. 1:20-cv-02287 (CONNER, J.) (SAPORITO, M.J.)
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REPORT AND RECOMMENDATION

On December 7, 2020, the *pro se* plaintiff, Mel Hartman, lodged a series of complaints with the Clerk of Court, who docketed each as the initial pleading in the several related civil actions captioned above. None of the complaints was accompanied by payment of the requisite \$402 filing and administrative fees (for each case) or a motion for leave to proceed *in forma pauperis*.

On December 10, 2020, the Court entered an order directing Hartman to either submit a properly completed application to proceed *in forma pauperis* or pay the requisite \$402 filing and administrative fees to the Clerk of Court within thirty days. (*E.g.*, Case No. 1:20-cv-02279, Doc. 4.)

On January 8, 2021, the plaintiff filed a letter, together with several

attachments. (Case No. 1:20-cv-02279, Doc. 4.) In these papers, the plaintiff suggests that he is exempt from payment of the required \$402.00 filing and administrative fees because each complaint was accompanied by a “mandate of authority by claim of right,” each of which appears to rely on the unsound premise that a Congressional joint resolution and a Presidential executive order, promulgated in 1933, somehow authorize him to draw upon a trust account held by the federal government to pay the required filing and administrative fees, or any other debts he wishes. *See generally Bryant v. Washington Mut. Bank*, 524 F. Supp.2d 753, 758–59 (W.D. Va. 2007) (describing this “redemption” theory). Simply put, the plaintiff is mistaken.

Moreover, without a properly completed application for leave to proceed *in forma pauperis*, identifying all of his assets and declaring under penalty of perjury that he is unable to pay the requisite filing and administrative fees, we are simply unable to determine that Hartman is eligible to proceed without prepayment of fees. *See El Ameen Bey v. Stumpf*, 825 F. Supp. 2d 537, 550–52 (D.N.J. 2011). Therefore, we decline to construe the plaintiff’s January 8, 2021, filing as a motion for leave to proceed *in forma pauperis*. *See generally Mala v. Crown Bay Marina, Inc.*,

704 F.3d 239, 244–46 (3d Cir. 2013) (discussing a court’s obligation to liberally construe *pro se* pleadings and other submissions).

Now, more than thirty days after having been ordered to do so, Hartman has neither submitted a properly completed application to proceed *in forma pauperis* nor paid the required \$402.00 filing and administrative fees to the Clerk of Court for each of the above-captioned cases. Accordingly, we recommend that these several civil actions be dismissed without prejudice for failure to pay the requisite filing and administrative fees and that the Clerk be directed to administratively close these cases. *See Lindsey v. Roman*, 408 Fed. App’x 530, 532–33 (3d Cir. 2010) (per curiam); *Parker v. Harrisburg City*, Civil No. 1:17-CV-00653, 2017 WL 3015880, at *2 (M.D. Pa. June 7, 2017) (report and recommendation), *adopted by* 2017 WL 3008583 (M.D. Pa. July 14, 2017).

Dated: January 26, 2021

s/Joseph F. Saporito, Jr.
JOSEPH F. SAPORITO, JR.
United States Magistrate Judge

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MEL HARTMAN,
Plaintiff,
v.
ZACHARY V. MEADOR,
Defendant.

CIVIL ACTION NO. 1:20-cv-02286

(CONNER, J.)
(SAPORITO, M.J.)

MEL HARTMAN,
Plaintiff,
v.
CHRISTOPHER R. LAPPLER,
Defendant.

CIVIL ACTION NO. 1:20-cv-02287

(CONNER, J.)
(SAPORITO, M.J.)

NOTICE

NOTICE IS HEREBY GIVEN that the undersigned has entered the foregoing Report and Recommendation dated January 26, 2021. Any party may obtain a review of the Report and Recommendation pursuant to Local Rule 72.3, which provides:

Any party may object to a magistrate judge's proposed findings, recommendations or report addressing a motion or matter described in 28 U.S.C. § 636(b)(1)(B) or making a recommendation for the disposition of a prisoner case or a habeas corpus petition within fourteen (14) days after being served with a copy thereof. Such party shall file with the clerk of court, and serve on the magistrate judge and all parties, written objections which shall specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for such objections. The briefing requirements set forth in Local Rule 72.2 shall apply. A judge shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which

objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge, however, need conduct a new hearing only in his or her discretion or where required by law, and may consider the record developed before the magistrate judge, making his or her own determination on the basis of that record. The judge may also receive further evidence, recall witnesses or recommit the matter to the magistrate judge with instructions.

Failure to file timely objections to the foregoing Report and Recommendation may constitute a waiver of any appellate rights.

Dated: January 26, 2021

s/Joseph F. Saporito, Jr.
JOSEPH F. SAPORITO, JR.
United States Magistrate Judge