

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 15-4035

UNITED STATES OF AMERICA

v.

FREDERICK H. BANKS,
Appellant

On Appeal from the United States District Court
for the Western District of Pennsylvania
(D.C. Crim. No. 2-03-cr-00245-001)
District Judge: Honorable Nora B. Fischer

Submitted for Possible Summary Action Pursuant to
Third Circuit L.A.R. 27.4 and I.O.P. 10.6
April 28, 2016

Before: FISHER, JORDAN and VANASKIE, Circuit Judges

(Opinion filed: May 5, 2016)

OPINION*

* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

PER CURIAM

Appellant, Frederick Banks, was convicted on charges of, inter alia, mail fraud and criminal copyright infringement, and we affirmed. See United States v. Vampire Nation, 451 F.3d 189, 209 (3d Cir. 2006). The District Court later denied Banks' motion challenging his convictions and sentence under 28 U.S.C. § 2255, and we denied his request for a certificate of appealability ("COA"). See C.A. No. 06-3671. Since then, Banks has filed motions and petitions with the District Court too numerous to outline (well over sixty), and those filings have generated nearly twenty appeals.

Some of Banks' filings have addressed issues concerning the revocation of his supervised release, while other motions and petitions argued that the evidence against him was fabricated and that the District Court lacked jurisdiction over him for one reason or another. He has also filed motions and petitions seeking monetary damages from a multitude of individuals involved in his criminal case. The District Court denied each of these petitions and motions, and we have summarily affirmed or denied a COA in each resultant appeal. See, e.g., United States v. Banks, 372 F. App'x 237, 242 (3d Cir. 2010); United States v. Banks, 351 F. App'x 608, 610 (3d Cir. 2009); United States v. Banks, 582 F. App'x 86, 87 (3d Cir. 2014).

At issue here is a submission that Banks titled "Pearls Before Swine." The District Court accurately described Banks' submission as "depicting various handwritten figures and rambling references to a variety of individuals including Judge Mark Hornak, Magistrate Judge Cynthia Reed Eddy, and Assistant United States Attorney Robert

Cessar.” See D. Ct. Order at 1. The District Court ordered that the submission not be made part of the docket on the court’s cm/ecf docket insofar as the “document is not a pleading, motion or any other document requiring the Court’s attention” Id. This timely appeal followed.¹

Having reviewed Banks’ submission, we conclude that the District Court committed no error in directing that it not be made part of the electronic record. Banks offers no support for his contention that the District Court erred as a matter of law and fact by failing to construe his submission as a “motion to take judicial notice of certain unlawful actions that affect this case and other related cases,” see Notice of Appeal at 1, and we know of none. No such request appears in the document. Banks’ submission of hand-drawn figures and accompanying captions such as “The Village Vomit,” and riddles and questions posed to “Hey Pup,” does not purport to set forth any argument, claim, or request for relief. Even construing Banks’ pro se submission liberally, see Haines v. Kerner, 404 U.S. 519, 520 (1972), we do not hesitate to agree with the District Court’s determination that Banks’ document is not a type of pleading requiring attention by the court, nor does it require a place on the court’s cm/ecf docket.

¹ Banks simultaneously filed a motion for reconsideration of the District Court’s order, which the District Court denied in an order entered on December 28, 2015. Because Banks has not separately appealed that order, we lack jurisdiction to review it. See Fed. R. App. P. 4(a)(4)(B)(ii).

Accordingly, because the appeal presents no substantial question, we will summarily affirm the District Court's judgment. See Third Circuit LAR 27.4 and I.O.P. 10.6.