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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

In re STEFAN RICARDO
MAHALEY

Case No.: 3:17-MC-00333

**ORDER RE STEFAN RICARDO
MAHALEY'S DECLARATION**

On March 10, 2017 this Court received a document from Stefan Ricardo Mahaley entitled "DECLARATION-OF-RESERVATION-OF-RIGHTS" ("Declaration"), a miscellaneous filing not related to any current civil or criminal case in this district. The Declaration was notarized on March 1, 2017 in Tallahatchie Country, Mississippi. Mr. Mahaley paid the filing fee of \$47.00 for miscellaneous papers by check to the Clerk's office on March 10, 2017. For the reasons stated below, the Declaration is **REJECTED** and Mr. Mahaley will **NOT** be issued a refund.

I. THERE IS NO "CASE OR CONTROVERSY":

Article III, §2 of the U.S. Constitution limits the jurisdiction of the federal courts to "Cases" and "Controversies." U.S. Const. art. III, §2, cl.1. In the instant

1 matter, there is no present injury, case or controversy to which the filing relates.
2 Mr. Mahaley has simply submitted the Declaration to the Clerk to be retained by
3 this Court. Without any sort of cognizable injury, case or controversy, the Court
4 has no jurisdiction.

5 6 **II. COURT NOT A PUBLIC FILE REPOSITORY:**

7 The Court's docket was never meant to be a public file repository. Other
8 federal courts have held that petitioners must show an adequate basis to open
9 and maintain a miscellaneous case. See *In re Atchison-Jorgan*, No. 12-MC-
10 50879, 2014 WL 1516218, at *1 (E.D. Mich, Apr. 17, 2014); see also *Kerman-*
11 *Ray of House of Carr v. Martinez*, No. 15-MC-00045-GPG, 2015 WL 1577623, at
12 *2 (D. Colo. Apr. 2, 2015). Mr. Mahaley is not attempting to commence a civil
13 action, as he did not file a complaint as required by Federal Rule of Civil
14 Procedure 3, nor does he suggest that he is seeking any relief from the Court.
15 See Fed. R. Civ. P. 3. It appears that Mr. Mahaley is attempting to give his
16 Declaration some sort of legal effect by creating a public miscellaneous file with
17 the docket of this Court. Mr. Mahaley is not entitled to "utilize the court as a
18 record-keeping system." *Robinson v. Court Clerks, E. Dist. of California,*
19 *Sacramento*, No. CIV 11-2679 JAM EFB, 2012 WL 219147, at *2 (E.D. Cal. Jan.
20 24, 2012). Since he has not shown an adequate basis to maintain a
21 miscellaneous case, this Court now rejects the filing.

22 **III. NO REFUND OF FILING FEES:**

23 The Administrative Office of the U.S. Courts' Guide to Judiciary Policy (the
24 "Guide") states that filing fee refunds are generally prohibited "even if a party filed
25 the case in error or the court dismissed the case or proceeding." Guide to
26 Judiciary Policy, Vol. 4, Ch. 6, § 650.10, available at [http://jnet.ao.dcn/policy-](http://jnet.ao.dcn/policy-guidance/guide-judiciary-policy/volume-4-court-and-case-administration/ch-6-fees)
27 [guidance/guide-judiciary-policy/volume-4-court-and-case-administration/ch-6-](http://jnet.ao.dcn/policy-guidance/guide-judiciary-policy/volume-4-court-and-case-administration/ch-6-fees)
28 fees. The only limited refund authority afforded to the courts is in situations

1 where “errors in electronic payments are made,” specifically when erroneous or
2 duplicate payments are made online. Id. § 650.20(a). Mr. Mahaley did not make
3 his payment electronically.

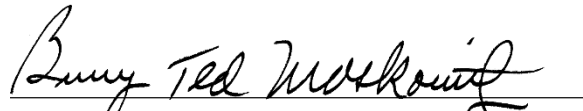
4 The Guide is of persuasive authority as it codifies the policies promulgated
5 by the Director of the Administrative Office and “approved by the Judicial
6 Conference of the United States.” *In re Sony BMG Music Entm’t*, 564 F.3d 1, 7
7 (1st Cir. 2009); see also *Kitzmilller v. Dover Area Sch. Dist.*, 388 F. Supp. 2d 484,
8 486-87 (M.D. Pa. 2005). It is the “official medium by which direction as to
9 courtroom procedures and other information are provided to the Federal
10 Judiciary in support of its day-to-day operations.” *In re Sony*, 564 F.3d at 7
11 (quoting *Kitzmilller*, 388 F. Supp. at 486-87). The Court sees no reason it should
12 go against the procedures contained in the Guide in the present matter.
13 Therefore, even though the Court rejects the Declaration, Mr. Mahaley’s filing fee
14 will not be refunded.

15 III. CONCLUSION

16 For the reasons discussed above, the Declaration is **REJECTED** and shall
17 be stricken, and Mr. Mahaley will **NOT** be issued a refund.

18 **IT IS SO ORDERED.**

19 Dated: July 5, 2017

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21 Barry Ted Moskowitz, Chief Judge
22 United States District Court
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