

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DETRICK CURTIS CONERLY, MICHAEL AARON
BONNER and JOHN CRUZ MENO,

Plaintiff,

v.

TOM WOLF, KATHLEEN KANE and PARAN LLP,

Defendants.

Case No. 16-mc-04-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on plaintiff Detrick Curtis Conerly's motion for leave to proceed *in forma pauperis* in this miscellaneous case (Doc. 2). In this case, Conerly seeks to register a foreign judgment purportedly issued by the Court of Common Pleas of Westmoreland County, Pennsylvania. The filing fee to register a foreign judgment is \$47.00.

A federal court may permit an indigent party to proceed without pre-payment of fees. 28 U.S.C. § 1915(a)(1). Nevertheless, a court can deny a qualified plaintiff leave to file *in forma pauperis* or can dismiss a case if the action is clearly frivolous or malicious or fails to state a claim. 28 U.S.C. § 1915(e)(2)(B)(i) & (ii).

The Court is satisfied from Conerly's affidavit that he is indigent. However, Conerly has failed to state a claim over which this Court has subject matter jurisdiction. State court judgments cannot be registered in federal court under 28 U.S.C. § 1963, the statute authorizing registration of judgments in federal court. *Marbury Law Group, PLLC v. Carl*, 729 F. Supp. 2d 78, 83 (D.D.C. 2010); *Dearborn St. Bldg. Assocs. LLC v. D & T Land Holdings, LLC*, No. 1:07-CV-1056, 2008 WL 2397660, at *4 (W.D. Mich. June 9, 2008); *McConico v. Miles*, No. 4:05-cv-572, 2005 WL 2033436 (E.D. Mo. Aug. 18, 2005); *Orne v. Shinn*, No. Civ 02-336, 2002 WL

1729651, at *1 (D.N.H. July 26, 2002); *Atkinson v. Kestell*, 954 F. Supp. 14, 15 n.2 (D.D.C. 1997), *aff'd sub nom. Atkinson v. Inter-Am. Dev. Bank*, 156 F.3d 1335 (D.C. Cir. 1998), *as amended* (Oct. 28, 1998); *W.S. Frey Co., Inc. v. Precipitation Assocs. of Am., Inc.*, 899 F. Supp. 1527, 1528 (W.D. Va. 1995). The federal registration of judgments statute only authorizes registration in federal court of a judgment from a federal court of appeals, a federal district court, a bankruptcy court or the Court of International Trade. 28 U.S.C. § 1963. It does not authorize registration of a judgment from any court other than those listed in the statute itself. *Fox Painting Co. v. N.L.R.B.*, 16 F.3d 115, 117 (6th Cir. 1994). State court judgments should be registered for enforcement, if necessary, only in another state court. *Euro-Am. Coal Trading, Inc. v. James Taylor Mining, Inc.*, 431 F. Supp. 2d 705, 708-09 (E.D. Ky. 2006).

For this reason, the Court:

- **DENIES** Conerly's motion for leave to proceed *in forma pauperis* (Doc. 2);
- **DENIES** Conerly's motion for certified copies of filings (Doc. 4);
- **DISMISSES** this case for lack of jurisdiction; and
- **DIRECTS** the Clerk of Court to close this case and to return any further documents tendered in connection with this case without filing them.

The Court further notes that Conerly's obligation to pay the filing fee for this action was incurred at the time the action was filed, thus if the \$47.00 filing fee is not waived, it shall remain due and payable regardless of the dismissal of this case. *See* 28 U.S.C. § 1915(b)(1); *Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998). Should Conerly fail to comply with his fee payment obligation, he may be barred from filing future actions in this Court.

IT IS SO ORDERED.

DATED: January 26, 2017

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE