

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

)	
MOHAN A. HARIHAR,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 17-11109-DJC
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	
)	

MEMORANDUM AND ORDER

CASPER, J.

September 29, 2017

Plaintiff Mohan A. Harihar initiated this action on June 14, 2017, by filing a fee-waiver application and a complaint naming the United States as defendant. D. 1, 4. Plaintiff seeks to hold the United States liable for alleged judicial misconduct by a judge in a related matter.

On August 11, 2017, plaintiff’s fee-waiver application was denied as incomplete and he was advised that his complaint is subject to dismissal for lack of subject matter jurisdiction and failure to state a claim upon which relief may be granted. D. 10. The Court denied without prejudice plaintiff’s motions for counsel and for permission to file on ECF. Id. at 6.

The August 11, 2017 Memorandum and Order stated that the claims asserted by Plaintiff are not ones for which sovereign immunity has been waived. Id. at 4. To the extent plaintiff seeks to bring a claim under the Federal Tort Claims Act, he was advised that this court with without jurisdiction because he has not yet exhausted his administrative remedies. Id. at 4 – 5. Plaintiff was advised that the criminal statutes for racketeering and obstruction of justice do not provide him with a private right of action. Id. at 6. Finally, he was advised that there no tort liability that

can be premised on a judge's rulings in a case over which the judge had jurisdiction. Id. at 5. Plaintiff was granted additional time to file a renewed fee-waiver application and to show cause why his complaint should not be dismissed. Id. at 6.

On September 5, 2017, Plaintiff filed a show cause response with a renewed fee-waiver application. D. 12, 13. Now pending is Plaintiff's motion seeking to have the undersigned "render ALL RELATED ORDERS and/or JUDGMENTS as VOID, Pursuant to FRCP 60, following the *sua sponte* RECUSAL here of Judge Allison Dale Burroughs." D. 9.

Upon review of the Plaintiff's renewed fee-waiver application, the Court concludes that he is without income or assets to pay the \$400.00 filing fee. His application is therefore granted.

Plaintiff's show cause response, in sum, outlines his disagreement with the Court's Memorandum and Order and reiterates the allegations in his original complaint. As to Plaintiff's failure to exhaust his administrative remedies, he argues that he should have court appointed counsel and that he should be deemed to have exhausted his administrative remedies because he has not yet received a denial letter. Plaintiff states that he has contacted his representatives in the United States Congress and that he has filed judicial misconduct complaints against eight additional federal judges. Plaintiff also states in the first paragraph of his show cause response that "[i]f left uncorrected, it will (at minimum) show cause for the Plaintiff to bring a tenth (10th) judicial misconduct complaint against [the undersigned] officer of the Court acting on behalf of the United States." D. 13 at 1.

After reviewing Plaintiff's response, the Court concludes that he has failed to demonstrate cause why this action should not be dismissed. Moreover, the Court rejects Plaintiff's suggestion that an adverse ruling implies participation in a conspiracy. D. 13 at 2 – 3; 6 – 7. "Litigants are

understandably disappointed when they do not prevail in court, but that does not give them the license to attack the integrity of the judiciary.” In re Mann, 229 F.3d 657, 659 (7th Cir. 2000).

Based on the foregoing, it is hereby Ordered that:

- 1) The motion for leave to proceed *in forma pauperis*, D. 12, is GRANTED;
- 2) The motion to render related orders/judgments void, D. 9, is DENIED; and
- 3) In accordance with the Memorandum and Order dated August 11, 2017, and the Plaintiff not having shown good cause why this case should not be dismissed for lack of subject matter jurisdiction and for failure to state claim, it is ORDERED that the within action be and it is hereby DISMISSED.

SO ORDERED.

/s/ Denise J. Casper
Denise J. Casper
United States District Judge