

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Bennett-Charles Formanack,

Civ. No. 17-3822 (PAM/BRT)

Plaintiff,

v.

ORDER

Stillwater Towing Inc.,
Richard J. Ritzer, Michelle
Ritzer, and Kevin last name
unknown,

Defendants.

This matter is before the Court on Plaintiff's Motion for Recusal and Motion to Vacate.

Plaintiff first contends that this Court must recuse itself because he did not consent to the "offer" allegedly made in the denial of his Motion to Set Aside Order (Docket No. 45). He contends that federal courts "are administrative courts of the military and as such operate on contracts." (Docket No. 46.) Plaintiff fundamentally misapprehends both the status and the role of federal courts, which are neither administrative nor military tribunals. Moreover, Plaintiff's repeated claim that a failure to challenge the truth of statements he makes in submissions to the Court constitutes an admission of the truth of those statements is incorrect. Neither this Court nor Defendants have any obligation to challenge or correct statements Plaintiff makes in his pleadings, and his invocation of this tired sovereign-citizen¹ maxim does not make it so.

¹ As another Court in this District has noted,

Plaintiff's Motion to Vacate ostensibly relies on new evidence regarding the title to the disputed automobile. Plaintiff also takes issue with the Court's characterization of the amount of damages he claims to have suffered. The "new" evidence on which Plaintiff relies is not relevant to the Court's determination that it lacks jurisdiction over the dispute, and his arguments regarding damages are issues for appeal.

According to the FBI, the "Sovereign Citizens" movement is based on a theory that the "United States government [USG] is bankrupt and without tangible assets; therefore, the USG is believed to use citizens to back U.S. currency. Sovereign citizens believe the USG operates solely on a credit system using American citizens as collateral. Sovereign citizens exploit this belief by filing fraudulent financial documents charging their debt to the Treasury Department." El v. AmeriCredit Fin. Servs., Inc., 710 F.3d 748, 750 (7th Cir. 2013) (quoting Federal Bureau of Investigation, "Sovereign Citizens: An Introduction for Law Enforcement" 3 (Nov. 2010), [http://info.publicintelligence.net/FBISovereign Citizens. Pdf](http://info.publicintelligence.net/FBISovereign%20Citizens.Pdf)). See also Cooper v. United States, 104 Fed. Cl. 306, 313-314 (2012) (explaining that "an individual who identifies with the Sovereign Citizen Movement considers himself to be his own sovereign, not a United States citizen, and therefore 'believe[s] that [he is] not subject to government authority.' Gravatt v. United States, 100 Fed. Cl. 279, 282 (2011). Members of this movement think that [t]he federal government . . . has tricked the populace into becoming U.S. citizens by entering into 'contracts' embodied in such documents as birth certificates and social security cards. With these contracts, an individual unwittingly creates a fictitious entity (i.e., the U.S. citizen) that represents, but is separate from, the real person. Through these contracts, individuals also unknowingly pledge themselves and their property, through their newly created fictitious entities, as security for the national debt in exchange for the benefits of citizenship.") (citation omitted). See also Sochia v. Federal-Republic's Cent. Gov't, Civ. No. SA-06-CA-1006-XR, 2006 WL 3372509, at *5 (W.D. Tex. Nov. 20, 2006) (describing plaintiff's "sovereign citizen" theories as "frivolous" and "rejected by every federal court that has considered them" and collecting cases).

Sellers v. Obama, No. 13cv2484, 2014 WL 1607747, at *4 n.1 (D. Minn. Apr. 15, 2014) (Mayeron, M.J.).

Accordingly, **IT IS HEREBY ORDERED** that:

1. Plaintiff's Motion for Recusal (Docket No. 46) is **DENIED**; and
2. Plaintiff's Motion to Vacate (Docket No. 49) is **DENIED**.

Dated: January 16, 2018

s/Paul A. Magnuson

Paul A. Magnuson

United States District Court Judge