

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Civil No. 10-cv-308-JD

C. Gregory Melick

O R D E R

Charles Gregory Melick failed to obey an IRS summons issued over a year ago. He also failed to appear as ordered by the court, and a bench warrant was issued for his arrest on February 15, 2011. Most recently, Melick attempted to file in this case a "Petition" signed by individuals who are not parties and who lack standing to participate in this case, which the court rejected. See Order, June 21, 2011.

In response to the court's order issued on June 21, 2011, Melick sent the same "Petition" with the same third-party signatures back to the court.¹ Melick included an additional untitled paper with the "Petition" in which he states that he read the "Petition" and that its contents are true and correct. Melick also states that the "Petition" is not being presented for an improper purpose and otherwise comports with the requirements

¹Along with the petition, Melick included a proposed order with a cover page that says it is not to be filed.

of Federal Rule of Civil Procedure 11(b). Melick further states, among other things, that he signed the untitled paper "under Threat and Duress." Melick's signature is acknowledged by a notary public.

Once again, the "Petition" is rejected by the court. Although Melick included the untitled paper with his signature in his most recent mailing to the court, the "Petition" itself, which is the same one previously presented to the court, is signed by ten individuals who are not parties and lack standing in this case. In addition, the "Petition" purports to be "In Support of Motion to Dismiss." No motion to dismiss was filed by Melick with the "Petition," nor is there any motion to dismiss pending in this case. Further, the "Petition" and the untitled paper do not comport with the requirements of Federal Rule of Civil Procedure 11 and Local Rules 5.1 and 7.1.

Melick, as a pro se party, can file motions on his own behalf, but he cannot incorporate by reference and attempt to file motions or other documents signed by individuals who are not parties and lack any standing in this case.

Conclusion

For the foregoing reasons, the "Petition," the proposed order, and the untitled paper sent with the "Petition" are rejected as filings in this case and shall not be docketed. The clerk of court shall return those documents to Charles Gregory Melick, along with a copy of this order, to the return address provided on the mailing envelope.

A copy of this order also shall be mailed to Melick at the last address shown on the docket.

SO ORDERED.


Joseph A. DiClerico, Jr.
United States District Judge

June 28, 2011

cc: C. Gregory Melick, pro se
Gretchen Leah Witt, Esquire