**IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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| **Andrew J. Ostrowski/Pennsylvania Civil Rights Law Network, personally, and on behalf of every American; Pennsylvania Civil Rights Law Network; and The Body of Christ** | : | **CIVIL ACTION NO. 17-cv-00788** |
| **v.** | : | |
| **American System of Justice; The Supreme Court of Pennsylvania/ Unified Judicial System of Pennsylvania; The Federal Reserve; The Society of Jesus (aka "The Jesuits"); Facebook; N.M Rothschild & Sons, Ltd. (aka "The Rothschilds); Free and Accepted Masons of the World, Inc. (aka "The Freemasons"); Mark Zuckerberg; Satan; and John/Jane Does** | : | **JURY TRIAL DEMANDED** |

**BRIEF IN SUPPORT OF APPEAL FROM MAGISTRATE SAPPORITO'S JUNE 7, 2017 ORDER ON PLAINTIFFS' MOTION FOR WAIVER OF FEES**

## INTRODUCTION

This case very much does address issues that likely have never been addressed the way they are being addressed in this case, including the identity of parties[1] to the

[1] See generally http://www.ctmin.org/pdf/thecourtsystemandfreemasonry.pdf; as to the involvement of Freemasonry in the courts; Tupper Saussy, Rulers of Evil and Eric Jon Phelps, Vatican Assassins, as to the background and history of the Society of Jesus in American affairs, and http://pennsylvaniacivilrightslawnetwork.com/wp-content/uploads/2013/02/Ostrowski-Settlement-Demand-and-Manifesto-for-Liberty-and-Justice1.pdf, which is correspondence sent to the lawyer for the Administrative Office of Pennsylvania Courts, Michael Daley, and many other lawyers connected with the American System of justice, in connection with legal claims made by Ostrowski/PCRLN, and which attached many pages of documents, including one

case, and, for purposes of the present filing, certain presumptions about the system that have been accepted as true, become modes of operation, and even appear to have a reasonable basis. One of these is the notion of the required payment of filings fees for access to justice, and the modes, methods, and considerations governing this aspect of the judicial process.

Plaintiffs do not agree with Magistrate Saporito that citation to a Circuit Court non-precedential "Summary Order" and three non-published district court decisions are sufficient to support his statement that the assertions made by the Plaintiffs are "discredited and utterly meritless", nor did Magistrate Saporito fully address the issues raised in Plaintiffs' Motion. For these reasons, reconsideration and review by the District Court are appropriate.

The Plaintiffs also preliminarily note that they have made a suggestion of recusal in their Motion for Fee Waiver, whether or not one even needed to be made, which was not addressed by the Magistrate. The Amended Complaint specifically identifies individuals and organizations in which membership may be expected to be had by many Middle District judicial personnel, names a Judge of the Third Circuit in the body of the Complaint, and indicates that this litigation will involve evidence concerning the litigation of many cases on the dockets of this Court. Plaintiffs do

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referencing said "Jesuit infiltration" into the courts. Ostrowski/PCRLN received no response to the latter disputing the assertions therein, and has seen no refutation of any of the former three references sufficient to negate there being a reasonable basis for all claims made in this litigation in regard to the referenced parties and claims.

not intend to make a formal motion for the recusal of any jurist at this point, but suggest that each should evaluate their own ability to dispatch their judicial duties in this matter fairly and even-handedly given the foregoing, and the identity of the Plaintiffs, and others known to be associated with them. Some indication that this process was employed should, in good faith, be made, in order to preserve judicial integrity.

## ARGUMENT

### No Filing Fees are Required

There has been a long tradition in the courts, preceding the enactment of the first *in forma pauperis* statute in this country in 1892, of courts requiring the payment of modest fees for litigants seeking access to justice. Plaintiffs cited to language in Crandall v. Nevada, 73 U.S. 35, 49 (1868), however, that suggests that free access to the courts must be afforded to all persons seeking such access, though Plaintiffs acknowledge that this was in no way the holding of the Crandall case. Plaintiffs have found no binding precedent to the contrary. i.e., that it is not a violation of the right of access to the courts to require the payment of a filing fee, or that the fee waiver statutes, currently 28 U.S.C. §1915, are constitutional. Plaintiffs submit that they are not.

Indeed, in Chambers v. Baltimore and Ohio Railroad Co., 207 U.S. 142, 148 (1907), the Court said:

> The right to sue and defend in the courts is the alternative of force. In an organized society, it is the right conservative of all other rights, and lies at the foundation of orderly government. It is one of the highest and most essential privileges of citizenship, and must be allowed by each state to the citizens of all other states to the precise extent that it is allowed to its own citizens. Equality of treatment in this respect is not left to depend upon comity between the states, but is granted and protected by the federal Constitution.

Further, in Murdoch v. Pennsylvania, 319 U.S. 105 (1947), the Court stated that "[a] state may not impose a charge for the enjoyment of a right granted by the Federal Constitution."

These are rights, privileges, and immunities guaranteed and preserved by the United States Constitution, and there is no reason that these principles would not apply to access to the federal courts.

There may be many articulable rational reasons to require the payment of a filing fee, and even a long tradition of doing so, but none of these reasons, customs, or traditions are sufficient to overcome the God-given rights of man, and the ability of the government to regulate these affairs. See Murdoch. These rights are at the very core of this litigation, and Plaintiffs assert that the requirement of payment of fees for their exercise is an unconstitutional impediment to their exercise.[2]

Plaintiffs submit that they should be permitted to proceed without the payment of any filing fee.

[2] Regulation of the abuse of these rights would be a separate analysis.

**The Amount of the Current Filing Fee is Unconstitutional**

In the alternative to their argument that the requirement of the payment of filing fees for access to justice is unconstitutional, Plaintiffs have raised an issue in their Motion that the amount of the fee, under 28 U.S.C. §1914 is an unconstitutional impediment to access to justice.

Over the past forty years, the amount of the filing fee to initiate federal civil litigation has increased from fifteen dollars to its current level of $350, now with the required payment of an additional $50 docketing fee, raising the cost of access to the federal courts for civil litigation to $400. This is a pace that has far surpassed the cost of inflation, and there appears to be no support in the history of the statute, as determined by the Plaintiff, for the justification for this extreme escalation in the amount of the fee required to gain access to justice in the federal courts.

Most of the cases dealing with the IFP statute are prisoner litigation cases, and the concerns expressed by the courts have related to the balancing of interests involved in providing access to prisoners, mostly raising issues concerning the conditions of their confinement, and, in particular, issues concerning the dismissal of claims as to which IFP status has been granted as frivolous. See generally Neitzke v. Williams, 490 U.S. 319 (1989). Plaintiffs research has uncovered no cases that have squarely addressed the issue as to the constitutional limits on the amount of filing fees, and the point at which a payment of a modest fee for access to the federal

courts crosses the line, and becomes an unconstitutional impediment, in and of itself, to access to the courts of the United States.

Plaintiffs have specifically raised this issue, and their argument that the current amount of the fee does just that. With the important principles embodied by the Chambers and Murdoch cases cited above, it is incumbent on the courts themselves, though a Congressional enactment, to weigh in on this issue.

Plaintiffs, through personal experience representing individuals seeking access to the courts, even represented individuals have anecdotal support that the current level of fees is an impediment to access to courts for those who may not otherwise qualify for IFP status, and Plaintiffs in this case have indicated that a more modest fee would be affordable, and assert that, in the context of their claims otherwise set forth, the extreme escalation of the amount of the filing fee over the years has had a deliberate effect of creating an impediment to access to justice for the vindication of the inherent, inalienable rights that represent the bond between man and his Creator.

Plaintiffs assert that the current filing fees and costs amounting to $400 is an unconstitutional impediment on their right of access to justice.

**Discretion as to the Payment of Filing Fees**

As referenced above, there is a custom and tradition of the payment of filing fees in the courts in America. This tradition and custom derives from the common

law customs in England. E. Elizabeth Summers, *Proceeding In Forma Pauperis in Federal Courts: Can Corporations Be Poor Persons*, 62 California Law Review 2219 (1974). The matter of payment of filing fees was traditionally left to the discretion of the courts, being uniquely-suited to the evaluation of matters as to their access. Summers, pp, 221-225.

In the alternative to Plaintiffs argument that the requirement of the payment of filing fees for access to the courts is an unconstitutional impediment on their right of access to justice, and that the amount of the filing fee is an unconstitutional impediment on their right of access to justice in the federal courts, Plaintiffs' Motion raises arguments that proceeding strictly under the IFP statute, 28 U.S.C. §1915 deprives them of alternatives to the requirement of the payment of the full amount of the fees, or seeking alternative, discretionary relief therefrom, which the federal courts have the inherent power to employ.

Plaintiffs have suggested that they are able to pay a more modest fee for access to justice, if this Court determines that payment of this fee for the exercise of a constitutional rights is proper at all, and even suggest that alternatives, such as payment in installments may be appropriate. Indeed, the Bankruptcy courts, which are in the federal judicial system, specifically permit the payment of those fees in installments, and such arrangements are routinely granted. In the event that this Court determines that payment of any fee is not unconstitutional, and that the amount

of the current fee is not an unconstitutional impediment to access to the courts, Plaintiffs submit that this Court's inherent discretion would permit an additional alternative arrangement, modelled on the practice before the Bankruptcy courts, that payment be permitted to be made in installments. There is no rational reason for the treatment of litigants in the District Courts of the United States any differently than those claiming the protection of the bankruptcy laws of the United States, even recognizing that the satisfaction of all installment payments of such fees in the Bankruptcy courts is a precondition to the entry of final relief under the bankruptcy laws, as there are similar conditions that a District Court could place on the satisfaction of the final payment of the full amount of the fee that could serve as a similar check.

**Application of 28 U.S.C. §1915**

The Magistrate Judge, for whatever reason (Plaintiffs suggesting for reasons that provide anecdotal evidentiary support for the claims set forth in their Amended Complaint, as alleged therein), chose only to address this matter as requiring it to proceed in strict accordance with 28 U.S.C. §1915, with the language of that statute having become a significant and confusing departure from the original 1892 IFP statute, which originally applied only to "citizens", however that is defined, to then cover "persons", however that is defined, and now being replete with references to "prisoner[s]" throughout. While it may well be time for Congress to revisit these

matters, in consideration of many of the arguments raised herein, the relief requested herein alternatively, beginning with the issue of the constitutionality of the requirement of the payment of any fees for access to justice, this Court can certainly give some precedential weight to these arguments by squarely addressing them, as being properly placed before the Court to do so, and not, as Magistrate Saporito did, by attempting to use discrediting language to make it appear that the Plaintiffs are raising "utterly meritless" issues, when they have not been completely discredited by any binding precedential authority, and are not utterly meritless, as much as it may enure to the public relations benefit of he or others seeking to discredit the Plaintiffs.[3]

In the event that this Court determines that 28 U.S.C. §1915 is the only manner in which the Plaintiffs' Motion for Waiver of Fees can be addressed, over all of the

[3] Plaintiffs are reminded of the comments of District Judge Brann in his Opinion on the motion to reopen disciplinary proceedings filed by Ostrowski/PCRLN, which was released within a day or so of his announcement of his run for the United States Congress in February, 2014 wherein Brann characterized many of the things that have been reported on by Ostrowski/PCRLN suggesting that Ostrowski/PCRLN has engaged in certain "fantastical prevarications", but never identified a single matter as to which such fantastical prevarications are alleged to have been made, with Ostrowski/PCRLN standing behind every single one of his statements of fact, including those made in the multi-page February 26, 2013 correspondence referenced in footnote 1, and on the www.pennsylvaniacivilrightslawnetowrk.com site which has gone to great factual lengths to support every statement made by Ostrowski/PCRLN. Incidentally, Plaintiff Ostrowski/PCRLN has communicated his demand that Judge Brann retract the "fantastical prevarication" assertion, or engage in a proper dialogue about these matters, so that Ostrowski/PCRLN can correct his statements in any regards in which he has erred, which he most certainly would do, as he has endeavored to responsibly worked to preserve the integrity of the judiciary in this country throughout. Until that time comes, Ostrowski/PCRLN stands behind every such factual statement made, with all due conditions and limitations expressed.

objections and arguments expressed herein, Plaintiffs are filing a Declaration concurrently herewith in accordance with that statute.

**CONCLUSION**

Plaintiffs are entitled to full, good faith, judicial consideration of all the issues set forth in their Motion for Waiver of Fees, and that this Court vacate the June 7, 2017 Order of Magistrate Saporito, and enter relief consistent with the foregoing, on the grounds/alternative grounds set forth herein.

Submitted by,

Andrew J. Ostrowski/Pennsylvania Civil Rights Law Network
P.O. Box 61335
Harrisburg, PA 17106
570-479-5062
justiceserved@protonmail.com

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