

In the United States Court of Federal Claims

NOT FOR PUBLICATION

No. 10-753T

(Filed February 11, 2011)

**JAMES A. WILLIAMS TRUST and
JAMES WILLIAMS,**

Plaintiffs,

v.

THE UNITED STATES,

Defendant.

ORDER

Now that it has been clarified that Mr. James Williams is a plaintiff in this proceeding, the Court will review the various submissions from Mr. Williams that had not been filed upon receipt due to failure to conform to our Court's rules. But first, the Court would like to address a misunderstanding on the part of Mr. Williams concerning what *has* already been filed. The entire batch of documents received on January 5, 2011, under an "Index for Enclosed Paperwork" listing Exhibits A-H, was filed by the Clerk's Office on January 5, 2011 as plaintiff's response to the motion for an extension of time. This includes the documents Mr. Williams now refers to as Documents #11, #12, and #13 -- the documents entitled "Order for Motion to [sic] time extension" (Exhibit C to January 5 filing), "Affidavit for Entry of Nihil Dicit Judgment" (Exhibit D to January 5 filing), and "Entry of Nihil Dicit Judgment" (Exhibit E to January 5 filing).

These three documents were treated as exhibits to the first document of the batch filed on January 5 -- plaintiff's "Response to the Defendant(s) request for additional time." The Court now understands that Mr. Williams wished each document to be filed separately. Since the government's motion for an extension of time was granted by the Order of January 12, 2011, Mr. Williams's proposed order denying the government's motion is moot and will not be separately filed. As for the "Nihil Dicit Judgment" documents, Mr. Williams appears to have been attempting to move for an entry of default, under Rule 55(a) of the Rules of the United States Court of Federal Claims ("RCFC"). Since the government properly moved for an extension of time in which to file its response to the complaint, and this motion was granted, there is no ground for a default or a default judgment at this time. *See* Order, Jan. 12, 2011 (granting

extension through February 7, 2011); Order to Show Cause, 2 (staying response to complaint); Order, Feb. 9, 2011 (setting February 16, 2011 deadline for response to complaint). Accordingly, Mr. Williams's request for default judgment is **DENIED**.¹

Addressing in chronological order the submissions that have not yet been filed, the first set was received on November 10, 2010. An envelope received by the Clerk's Office contained two photocopies of an envelope from Buckingham Palace addressed to Mr. Williams. In handwriting on these photocopies, Mr. Williams points out the lack of a zip code and contends that the document "show[s] the fact that the plaintiff does not hold a military post." No motion accompanied the document explaining its relevance to this case. Enclosed were also two compact discs containing copies of the complaint and the Buckingham Palace envelope. The Court assumes these discs were submitted for the convenience of the Court and defendant. But since this case is being litigated *pro se*, it is not under our electronic case filing system, see RCFC App. E, ¶ 3(a), and thus the Court has no use for documents in this form. The Clerk's Office shall return to Mr. Williams both the discs and the photocopies of the Buckingham Palace envelope. While some lenience is extended to parties who are not represented by counsel and who may as a consequence submit papers for filing that lack the appropriate title or label, such papers are filed only when they can be construed as approximating some paper recognized under our rules (such as, for instance, a motion to amend a pleading, *see* RCFC 15, or a response or opposition to a motion, *see* RCFC 7). To minimize confusion in the future, if Mr. Williams submits for filing some document that is not in the form of a paper recognizable under our rules, he should at least accompany that document with a motion for leave to file which explains his intentions.

Also on November 10, 2010, Mr. Williams submitted a UCC Financing Statement Amendment purporting to assign to our Court three negotiable instruments -- a \$300 million "Private Indemnity Bond," a \$10 million "International Irrevocable Letter of Credit," and a "UNCITRAL International Secured Note in the amount of \$1000 USD to be used for administrative costs for [this] court case." It appears that Mr. Williams is attempting to use this purported assignment to satisfy, among other things, the \$350 filing fee for this case (which remains unpaid). In the declaration he submitted in response to the Order to Show Cause, Mr. Williams quotes from a statute and a Federal Acquisition Regulation provision concerning the use of irrevocable letters of credit to satisfy bonding requirements. *See* Decl. at 8-9 (quoting 48 C.F.R. § 52.228-14 and 31 U.S.C. § 9303). But these bonding provisions have nothing to do with court filing fees, which must be prepaid (unless a plaintiff is proceeding *in forma pauperis*). This document has no relevance to our proceedings and does not relieve Mr. Williams of the obligation to pay the \$350 fee to maintain his case in our Court. Accordingly, it will not be filed. The Clerk's Office shall return this document to Mr. Williams.

¹ On December 20, 2010, plaintiff filed a document which was apparently intended to be a motion for summary judgment. As this was filed sooner than sixty days after the complaint was filed, this motion is **DENIED** as prematurely filed. *See* RCFC 56(a)(1).

On November 30, 2010, Mr. Williams sent by facsimile machine a submission bearing the title “Nihil Dicit Judgment” on its cover page. The submission consisted of the cover page, a copy of the Clerk’s notice of assignment of the case to the undersigned, a two-page document entitled “Judgment in the Action of Debt and Debet et Detinet,” and copies of two pages that were attached to the complaint (entitled “Writ of Debt” and “Writ of Debet et Detinet”). This submission was not filed when received because it did not appear to resemble any paper allowed under our rules, and because filings are generally not accepted by facsimile (as facsimile copies lack the original signature required by RCFC 11). For both reasons, the Clerk’s Office appropriately refused to file this submission. This irregular submission is the product of Mr. Williams’s unusual theory that he created his own court by filing his complaint. Since he inserted in his complaint a purported judgment in his favor issued by his own court, *see* Complaint at 58-59, and advised that the government had twenty-eight days to move for reconsideration, *id.* at 60, he reasons he is entitled to judgment once the twenty-eight days had passed. Under our rules, a motion for summary judgment could not have been filed by Mr. Williams any sooner than sixty days after the complaint was filed, *see* RCFC 56(a)(1), so his purported motion for judgment inserted in the complaint, as well as this facsimile submission, are not in order. The Clerk’s Office shall return this submission to Mr. Williams.

The Clerk’s Office received, on December 30, 2010, plaintiff’s response to defendant’s request for additional time. Because Mr. Williams submitted only the original document and not the two additional copies required by RCFC 5.5(d)(2), this document was not filed when received. The Court did, however, consider it when ruling upon the government’s motion, and a copy of it was subsequently filed on January 5, 2011. The Clerk’s Office is directed to file this document. Mister Williams is reminded to take care that future submissions conform to our rules, to avoid filing delays.

On December 30, 2010, the Clerk’s Office received one copy of the document entitled “Entry of Judgment,” that was previously filed on December 20, 2010. On this new copy, Mr. Williams wrote “ADR Document,” apparently intending it to be used in our Alternative Dispute Resolution (“ADR”) program. Participation in ADR is voluntary and requires the agreement of both parties. *See* RCFC App. H, ¶ 3. No such agreement has been communicated to the Court, and thus this case is not at this time included in our ADR program. Accordingly, the Clerk’s Office will return this submission to Mr. Williams. Mister Williams is advised to review Appendix H to our rules, and to contact counsel for defendant if he desires to pursue the ADR process.

The Clerk’s Office received by facsimile machine, on January 3, 2011, a copy of the documents “Affidavit for Entry of Nihil Dicit Judgment” and “Entry of Nihil Dicit Judgment.” These were not filed when received, as the Court does not ordinarily file documents received by facsimile machine. As was discussed above, copies of these two documents are already on file as part of the January 5, 2011 filing of the response to defendant’s motion. The facsimile copies are thus superfluous, and the Clerk’s Office is directed to return them to Mr. Williams.

On January 10, 2011, the Clerk's Office received from Mr. Williams an original and two copies of a document entitled "Errors found in Defendant(s) Motion for Enlargement of Time." This submission was not filed when received, as plaintiff had already filed a response to the motion and a party would normally need to seek leave of Court, by way of a motion, in order to file any additional or supplemental paper. But since Mr. Williams is proceeding *pro se*, the Court will dispense with the need for such a motion and allow this document to be filed as a supplemental response to the government's motion for an extension of time. The Clerk's Office is thus directed to file this document.

Finally, on January 14, 2011, the Clerk's Office received an original and two copies of a document entitled "Order Denying Motion for Enlargement of Time." This submission was not filed when received because it did not appear to resemble any paper allowed under our rules. The document is not a motion or a response to a motion, but instead purports to be an order issued by Mr. Williams's own court. The Clerk's Office is directed to return this submission to Mr. Williams.

IT IS SO ORDERED.

VICTOR J. WOLSKI

Judge