In The

United States Court of Appeals

for the Third Circuit

18-1816

JACOB CORMAN IN HIS OFFICIAL CAPACITY AS MAJORITY LEADER OF THE PENNSYLVANIA SENATE; MIKE FOLMER; IN HIS OFFICIAL CAPACITY AS CHAIRMAN OF THE PENNSYLVANIA STATE SENATE GOVERNMENT COMMITTEE; LOU BARLETTA; RYAN COSTELLO; MIKE KELLY; TOM MARINO ; SCOTT PERRY; KEITH ROTHFUS; LLOYD SMUCKER; GLEN THOMPSON; JEFFREY CUTLER

v.

SECRETARY COMMONWEALTH OF PENNSYLVANIA; COMMISSIONER BUREAU OF COMMISSIONS, ELECTIONS & LEGISLATION

CARMEN FEBO SAN MIGUEL; JAMES SOLOMON; JAMES GREINER; JOHN CAPOWSKI; GRETCHEN BRANDT; THOMAS RENTSCJILER; MARY ELIZABETH LAWN; LISA ISAACS; DON LANCASTER; JORDI COMMAS; ROBERT SMITH; WILLIAM MARX; RICHARD MANTELL; PRISCILLA MCNULTY; THOMAS ULRICH; ROBERT MCKINSTRY; MARK LICHTY; LORAINE PETROSKY
(Intervenors in District Court)

JEFFREY CUTLER,
Appellant

Appeal from the Order/Judgment entered April 10, 2018 in the United States District Court for the Middle District of Pennsylvania at No. 1-18-cv-00443

REPLY BRIEF TO APPELLES

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Pro Se Appellant

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STATEMENT OF SUBJECT MATTER AND APPELLATE JURISDICTION

The United States District Court had subject matter jurisdiction pursuant to 18 U.S.C. § 3231, which confers upon the district courts original jurisdiction over all offenses against the laws of the United States. Appellate jurisdiction is conferred upon the Court of Appeals for the Third Circuit by 28 U.S.C. § 1291 and U.S.C. 18 U.S.C. § 3742(a).

The District Court imposed a decision on March 19, 2018, with the judgment officially entered that same day. (AA5-28; DDE ## 136, 137).[1] Appellant Jeffrey Cutler complied with Rule 4(b)(1) of the Federal Rules of Appellate Procedure by filing a timely Motion to Reconsider and Intervene on April 3, 2018, however the court omitted page 3 during scanning (AA396-397). The court corrected the document on April 9, 2018 (AA561-570), and rendered a decison on April 10, 2018. Notice of Appeal was filed on April 12, 2018 (AA1-2; DDE # 141) and a corrected appeal on April 17, 2018. (AA3-4; DDE # 143).

STATEMENT OF RELATED CASES

Appellant believes USCA case #17-2709 currently pending before this Court is directly related to this appeal, and case #5:17-cv-05025 in the eastern district of Pennsylvania are both related to this case. Case # CI-17-01626 Lancaster

[1] "AA" refers to the Appellant's Appendix filed with this brief. "DDE #" refers to the district docket entry and corresponding entry number.

County court of Common Pleas, was also aimed at setting a precedent in altering the Pennsylvania Constitution by Judicial Decree. Case # 3:17-cv-02692 from the Northern District of Texas, and case # 1:16-cr-10233-RGS Massachussetes, both involve FBI misconduct. Case # 3:12-cr-00034-CWR-FKB involves the KLU KLUX KLAN or copycat behavior.

STATEMENT OF THE ISSUE ON APPEAL

1. Whether the remedy imposed by the Supreme Court of Pennsylvania, which clearly violates the Pennsylvania Constitution and creates a precedent that allows any part of the constitution be circumvented in 10 days without any notice being afforded to voters or the public, and was substantively unreasonable because it exceeded the necessary to satisfy the goals set forth in 18 U.S.C. §3553(a) and violates the United States Constitution Amendment 1. The Public Interest Law Center claims this case is based soley on state constitutional grounds and not perjured testimony.

   Standard of Review: Appellate courts review sentencing challenges under the abuse of discretion standard. *Gall v. United States*, 552 U.S. 38 (2007).

   Preservation of Issue: Mr. Cutler opposed the government's request for a remedy that allows the court to Ammend the Pennsylvania Constitution in effectively 10 days based on perjured testimony.

   The courts have affirmed, it must "afford a liberal reading to a complaint filed by a pro se plaintiff," particularly when the plaintiff has no formal legal training or education. Klayman v. Zuckerberg, 753 F.3d 1354, 1357 (D.C. Cir. 2014); see also Erickson v. Pardus, 551 U.S. 89, 94 (2007) ("A document filed pro se is to be liberally construed, and a pro se complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers."

STATEMENT OF THE CASE

Jeffrey Cutler appeals the remedy imposed by the Pennsylvania Supreme court which allows a process that minimally is described by the Pennsylvania constitution at a minimum of 90 days, during 2 seperate sessions. Mr. Cutler respectfully submits that under the facts and circumstances specific to this case, the final remedy was significantly greater more intrusive than necessary to achieve the statutory purposes of case, and was therefore substantively unreasonable. Furthermore, the remedy created an unwarranted disparity in law in contravention of 18 U.S.C. § 3553(a), and violates the United States Constitution Amemdment 1.

A. Per Rule 201. Judicial Notice of Adjudicative Facts

Per public notice <ref> https://lancasteronline.com/news/local/lancaster-county-treasurer-without-insurance-for-millions-in-tax-dollars/article_ef5b90bc-89d5-11e8-8ace-77712e721cba.html </ref> and <ref> https://lancasteronline.com/news/local/lancaster-county-treasurer-secures-insurance-to-collect-municipal-taxes/article_16cb03de-976f-11e8-814c-1beb625aec89.html </ref> Amber Green Martin (Lancaster County Treasurer) on March 17, 2017 never had a surety bond to collect taxes and failed to have any

bond until July 18, 2018. Based on the local tax collector law, Judge Brown of the Lancaster Court of Common Pleas enjoined Patricia Kabel from collecting school taxes because she failed to have the required surety bond as noted in case 5:17-cv-05025 docket item 31.

B. Reply To Jurisdictional Statement of Public Interest Law Center

The Public Interest Law Center Jurisdictional Statement stated that Mr. Cutler had not filed an appeal of the denial to intervene which is a **False Statement** by the Public Interest Law Center. The Wright Appelleant Service altered the cover and subject based on conversations with the federal court case manager. Mr. Cutler filed multiple Errata statements about the filing, on July 23, 2018, July 26, 2018, and July 30, 2018 and was eventually told he must file a notice to file an amended brief which was filed July 30, 2018. These statements were all mailed via priority mail to the The Public Interest Law Center.

C. Reply To Argument of Public Interest Law Center By Jeffrey Cutler

The Public Interest Law Center reply brief stated that even if "even if jurisdiction existed that the plaintiffs lacked standing and the Pennsylvania voters have already participated in a primary election". Based on this logic the decision in the Dred Scott v. Sandford case should still be enforced and the equivalent of executive order 9066 would be perfectly acceptable in Pennsylvania. Also based on Administrative Procedure Act and Vermont Yankee Nuclear Power Corp. v. Natural Resources Defense Council, 435 U.S. 519 the argument by Public Interest

Law Center is merritless.

D. Reply To Standard of Review by Public Interest Law Center

The clerks office issued an ORDER declaring the caption of this case on April 25, 2018 and there was no appeal or objection by the Public Interest Law Center until the reply brief was filed and over 60 days after the order. Since the court granted the appeal and the challenge fails to comply with the rules of FRAP and the argument by Public Interest Law Center is merritless. On April 25, 2018 Mr. Geffen on behalf of the Public Interest Law Center filed an Entry of appearence that failed to notify Mr. Cutler and violated Rule 65 of the Federal Rules of Civil Procedure (AA552, 554). All documents filed on behalf of Acting Secretary Robert Torres and Commisioner Marks fail to comply with the order of April 25, 2018 (AA219, 220) (AA557, 559) and therefore all their claims should be dismissed. Since the court has already ruled the case acceptable by the order of April 25, 2018, and it was never challenged this is settled law.

SUMMARY OF THE ARGUMENT AND ISSUES

The sole issue on appeal is the reasonableness of an illegal election should be reversed. The action as a result of criminal activity and discrimination by the state. The activity by the FBI and state to violate 18 U.S.C. § 2113 for being the wrong religion also makes the activity by Robert Mueller and associates essentially a violation of the "Fruit of The Pisonous Tree". Based on the previously noted violations the other briefs are NON-COMPLIAANT, and essentially should declare the entries as UNAUTHORIZED PRACTICE OF LAW.

Based on United States v. Williams, 341 U.S. 58 (1951) and Gill v. Whitford, (Supreme Court 2018) and Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission. Also based on <ref>https://lancasteronline.com/news/local/lancaster-county-treasurer-without-insurance-for-millions-in-tax-dollars/article_ef5b90bc-89d5-11e8-8ace-77712e721cba.html</ref> Amber Green Martin never had a surety bond to collect taxes, and therefore Susan Peipher, Christina Hausner and others were involved in suborning perjury, destroying or concealing evidence, witness tampering, and concealing income or assets, Mr. Cutler requests the following conclusion.

CONCLUSION

For the foregoing reasons and previously provided information, Appellant Jeffrey Cutler respectfully submits and hereby requests that the court grant his Permanent Injunction and enjoin the enforcement of the revised voting map, a new election date set using the previously approved voting districts, bar all Pennsylvania judges from submitting remedies which knowingly violate the Pennsylvania constitution, their OATH OF OFFICE TO DEFEND THE PENNSYLVANIA CONSTITUTION, bar any further enforcement of "Obamacare", remove all penalties from plaintiffs, declare executive ORDER 9066 UNCONSTITUTIONAL, and bar the review, and distribution, of documents siezed of Mr. Cutler/Mr. Cohen and the suspension of further action in NY cases known as 1:18-cv-03501 and 1:18-mj-03161KMW., return assets seized based on an illegal order, reinbursement of

legal costs and other remedies that court deems appropriate, and vacate the sentence for Jeffrey Cutler, Lisa Michelle Lambert, and Jammal Harris and all persons similarly situated. Also stop retrial of case 1:16-cr-10233-RGS so these people are not treated differently than Senator Menendez, or John Corsine in the MF Global fraud case.

Respectfully submitted,

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Appellant

Date 28 Aug 2018

CERTIFICATE OF SERVICE AND OF COMPLIANCE

Jeffrey Cutler, of full age, herebycertifies as follows:

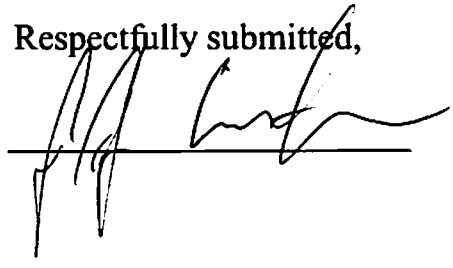
1. I am a Pro Se Litigant in this case, and have no formal legal training.

2. This brief conforms to the requirements of Rule 32(a)(7)(A) because it contains fewer than 30 pages.

3. I have also caused a copy of the Brief to be served upon the United States by the Notice of Docketing Activity generated by the Third Circuit's electronic filing system to all other parties of this case are part of the CM/ECF system:

The foregoing is true and correct to the best of my knowledge and information. I am aware that if any of the foregoing is willfully false, I am subject tosanctions.

Respectfully submitted,



Dated:

28 AUG 2018