

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; LORAIN 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*

**Petition for Panel Rehearing and Rehearing En Banc**  
**Under Fed. R. App. P. 35(b) and 40(a)**

The petitioner, Jeffrey Cutler, acting pro se, respectfully requests the granting of the instant Petition for Panel Rehearing and Rehearing En Banc Under Fed. R. App. P. 35(b) and 40(a). In support of this petition, petitioner represents the following:

I express a belief, based on a reasoned and professional judgment, that the panel's non-precedential opinion (attached as Addendum) conflicts with the Supreme Court's recent decision in *United States v. Rita*, \_\_\_ U.S. \_\_\_, 127 S. Ct. 2456 (2007), as well as the Sixth Amendment principles set out in *Cunningham v. California*, \_\_\_ U.S. \_\_\_, 127 S. Ct. 856 (2007), *United States v. Booker*, 543 U.S. 220 (2005), *Blakely v. Washington*, 542 U.S. 296 (2004), and *Apprendi v. New Jersey*, 530 U.S. 466 (2000), and consideration by the full Court is therefore necessary. In addition, I express a belief, based on a reasoned and professional judgment, that the panel's opinion involves a question of exceptional importance: Based on <ref> <https://www.lwv.org/newsroom/press-releases/league-ceo-arrested-kavanaugh-protest> </ref> the president of the League of Women's Voters (Virginia Kase ) demonstrated a non-partisan and marked bias representation of their true representation of their opinion and shows a demonstrated example of perjury in their lawsuit. Based on *Napue v. Illinois* this should demand a full enbanc review. Under 18 U.S.C. § 3553(a), to disagree on general policy grounds with the Federal Sentencing Guidelines, or may they vary from the guidelines based only

on “individual, case-specific factors”? This case presents violations of 18, U.S.C., Section 249 - Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act, Title 18, U.S.C., Section 241 - Conspiracy Against Rights, Title 18, U.S.C., Section 242 - Deprivation of Rights Under Color of Law, Title 18, U.S.C., Section 245 - Federally Protected Activities, Title 42, U.S.C., Section 3631 - Criminal Interference with Right to Fair Housing. This case also has been besieged with document tampering and obstruction of justice by unknown parties as expressed with case 16-3164, document # 0031122444804, pages 7-10 were obscured and made unreadable while the same pages were added to case 2:16-cv-06287 document #16, pages 10-13 are perfectly preserved. This is a demonstrated violation of 18 U.S. Code § 1519.

### **Facts and Procedural History**

Jeffrey Cutler pleaded guilty to nothing and was removed from office and 100% of his belongings stolen via an illegal act of conspiracy, by East Lampeter Township/Lancaster County, Ralph Hutchinson, Amber Green Martin and others. The resulting Guidelines range for Jeffrey Cutler should be zero months.

The judge intended to first based on perjured testimony steal all of the possessions of Jeffrey Cutler, destroy his reputation just like Judge Kavanaugh but to also incarcerate him for contempt of court. East Lampeter Township and Lancaster

County have previously set-up false prosecutions and incarcerated persons based on perjured testimony and manufactured evidence, and denied due process to many individuals, especially Lisa Michelle Lambert. There have never been any Pre-Sentence Reports for this case and none were used for William Henry Cosby in case CP-46-CR-003932-2016 in the COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA (which is documented in case 5:17-cv-05025 document 39). Persons of the Democratic party or persons that represent themselves as Republicans that are aligned together with the Democrats, have formally corrupted the justice system which was evidenced in the hearings and paid response of many of the protesters against the confirmation of Judge Brett Kavanaugh for the Supreme court. On May 13, 1985, 11 black people were assassinated in Philadelphia by the persons of the Democratic party with the aid of bombs supplied by the FBI. Although 90% of the people involved are known, to my knowledge not a single person was even fired for their participation in this assisnatiion, and some were promoted. If the bombing is considered a church, then it would violate the Title 18, U.S.C., Section 247 - Church Arson Prevention Act of 1996 and certainly violates Title 18, U.S.C., Section 844(h) - Federal Explosives Control Statute plus Title 42, U.S.C., Section 14141 - Pattern and Practice. The total censorship by every newspaper in Pennsylvania of this case appeal is just one example of extent of the conspiracy involved in this crime.

Then, exercising his discretion under 18 U.S.C. § 3553(a), the judge is supposed to have considered what the Guidelines range would be if the a case is dismissed or even a hearing in front of a jury is denied. 18 U.S.C. § 3553(a) is in reality an extension of equal protection, of the United States constitution, then the circumstances of each defendant, the judge sentenced Jeffrey Cutler to loss of life possessions and all of his reputation destroyed. Since federal courts overrule the actions of state courts on civil rights matters this case should be reheard and this case was intended to be heard in conjunction with USCA case 17-2709 and all briefs were written with that in mind.

The federal Court has reversed the sentences, holding that it was error for the district court judge to “disagree with the 100-to-1 ratio as a policy matter.” *Id.* at 16. Instead, this Court held that the district court may “consider the crack/powder differential” only in the context of case-specific facts that would warrant a sentence outside the guideline range. *Id.* As the Court stated, “We conclude that when a district court imposes a below-Guidelines sentence for a crime, the record must demonstrate that the court focused on individual, case-specific factors.” *Id.* at 18. In so holding, the Court in part followed it prior decision in *United States v. Gunter*, 462 F.3d 237 (2006), insofar as *Gunter* held that a district court has the discretion to “consider the crack/powder cocaine differential . . . as simply

advisory at step three of the post-*Booker* sentencing process (imposing the actual sentence after considering the relevant § 3553(a) factors).” *Id.* at 249. But *Ricks* restricted the holding of *Gunter* by placing limits on that discretion, barring the district court from disagreeing with the policy underlying the 100-to-1 ratio, and allowing consideration of the ratio only in the context of “individual, case-specific factors.”

### **Reasons for Granting Rehearing**

- A. The restriction in this case *that* denies any hearing that district courts may not disagree on general policy grounds with the Guidelines is contrary to the Supreme Court’s decision in *Rita*.**

This Court should reconsider its opinion because its limitation on the district court’s consideration of the policies underlying the Guidelines is contrary to *Rita*. The Supreme Court in *Rita* made clear that the district court, in exercising its discretion under 18 U.S.C. § 3553(a), may disagree with the Guidelines on general policy grounds and is *not* limited to case-specific facts in determining whether a sentence outside the Guidelines range is warranted.

Rehearing is necessary to reconcile this contradiction.

*Rita* teaches that after a district court determines the advisory guideline range, it may entertain arguments that “the Guidelines sentence should not apply,”

- [1] “perhaps because (as the Guidelines themselves foresee) the case at hand falls outside the ‘heartland’ to which the Commission intends

individual Guidelines to apply,” or

[2] “perhaps because the Guidelines sentence *itself* fails properly to reflect § 3553(a) considerations” or

[3] “because the case warrants a different result regardless.”

127 S. Ct. at 2465 (emphasis added). Further, a party may “contest[] the Guidelines sentence *generally* under § 3553(a) – that is, [the party may] argue[] that the Guidelines reflect an *unsound judgment*, or, for example, that they do not generally treat certain defendant characteristics in the proper way. . . .” *Id.* at 2468 (emphasis added). *Rita* thus establishes that a sentencing court may evaluate the soundness of the policy judgments of the Sentencing Commission as embodied in the Guidelines, and must do so in response to nonfrivolous arguments by either party.

The district court’s freedom to disagree with the Guidelines on policy grounds flows from the Supreme Court’s view of the proper role of the sentencing court. As *Rita* explained, the sentencing court carries out the same function as, and has a co-equal role with, the Sentencing Commission in making the determinations required under 18 U.S.C. § 3553(a). *Rita* states, “In instructing both the *sentencing judge* and the *Commission* what to do, Congress referred to the basic sentencing objectives that the statute sets forth in 18 U.S.C. § 3553(a).” *Id.* at 2463. This provision “tells the *sentencing judge* to consider” seven objectives under §

3553(a), and “Congressional statutes then tell the *Commission* to write Guidelines that will carry out these same § 3553(a) objectives.” *Id.* (emphasis in original).

“The upshot is that the sentencing statutes envision both the sentencing judge and the Commission as carrying out the same basic § 3553(a) objectives, the one at retail, the other at wholesale.” *Id.*

This co-equal role that the sentencing court and the Commission have in making the § 3553(a) determinations is the basis for the “double reliability” rationale in *Rita*, which in turn is the justification for the non-binding appellate presumption of reasonableness. *Rita* explained that such a presumption on the appellate level “simply recognizes the real-world circumstance that when the judge’s discretionary decision accords with the Commission’s view of the appropriate application of § 3553(a) in the mine run of cases, it is probable that the sentence is reasonable.” *Id.* at 2465.<sup>1</sup> Barring the district court from considering whether policy judgments in the Guidelines are unsound in light of the § 3553(a) factors would vitiate this “double reliability” and undermine the rationale for *Rita*’s

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<sup>1</sup> *Rita*’s “double reliability” rationale strongly supports the *below-guidelines* sentences the judge imposed here. In this case, “the judge’s discretionary decision [to impose a sentence consistent with the 20:1 ratio] accords with the Commission’s view of the appropriate application of § 3553(a) [to crack and powder cases],” since it is the Commission itself which has so forcefully advocated for the 20:1 ratio. Thus, under *Rita*, application of an appellate presumption here would have to favor the sentences actually imposed.



holding.

*This case* does just that, and it is therefore contrary to *Rita*. *It should be* held that it is error for a district court to “disagree[] with the ratio as a policy matter,” slip op. at 16, and that “when a district court imposes a below-Guidelines sentence for a crime involving crack, the record must demonstrate that the court focused on individual, case-specific factors.” *Id.* at 18. Such a restriction cannot be reconciled with *Rita*’s language allowing district courts to consider whether the “Guidelines reflect an unsound judgment.” 127 S. Ct. at 2465. Nothing in *Rita* restricts the district court’s consideration of the § 3553(a) factors to “individual, case-specific” facts.

The Court should therefore grant rehearing in order to address *Rita* and make clear that the district courts do have the discretion under § 3553(a) to consider whether the policy judgments underlying the Guidelines, such as the crack/powder differential, are unsound.

**B. The reversal of the below-guidelines sentences in this case violates the Sixth Amendment because the Guidelines range was based on facts that were neither admitted nor proven to a jury beyond a reasonable doubt. No jury ever heard this case, Lisa Michelle Lamabert's case and others**

Under the Sixth Amendment principle laid down in a string of Supreme Court precedents since 2000, appellate courts may not reverse below-guidelines sentences based on a failure to impose guidelines sentences that derive from facts beyond the guilty verdict and any valid admissions. *See Cunningham v. California*, 127 S. Ct. 856, 860 (2007); *United States v. Booker*, 543 U.S. 220, 233 (2005); *Blakely v. Washington*, 542 U.S. 296, 304-05 (2004); *Apprendi v. New Jersey*, 530 U.S. 466, 490 (2000). Reversal of such a sentence, as in this case, violates that Sixth Amendment principle by effectively holding that the federal sentencing system requires a sentence longer than that authorized by the jury found or admitted facts. As the Supreme Court held most recently in *Cunningham*, “placing sentence-elevating factfinding within the judge’s province[] violates a defendant’s right to trial by jury safeguarded by the Sixth Amendment. . . .” 127 S. Ct. at 860 (holding that California’s determinate sentencing law, providing for enhanced sentence based on a “circumstance in aggravation,” violates Sixth Amendment).

Marc and Michael Ricks never admitted to the quantity of drugs involved in a case, and at their guilty pleas, they each “reserved the issue of the quantity of

drugs that should be attributed to them.” *Ricks*, slip op. at 3. The judge held a hearing at which the quantities were hotly contested, and he then made findings to resolve the factual disputes.

This Court holds in the instant appeal that once the sentencing judge found the facts regarding the quantity of crack cocaine, he was bound to impose an enhanced sentence under the Guidelines for crack cocaine, unless he found “individual, case-specific factors” warranting a lower sentence. *Id.* at 18. In so holding, this Court effectively treats the Guidelines range as a mandatory and binding on the sentencing judge – a range from which the judge can vary based only on a finding of mitigating facts. Under the *Ricks* holding, case-specific facts must be found to justify a variance because the judge may not disagree with the Guidelines on general “policy” grounds. *Id.* at 16. Without the judicial fact-finding regarding the quantity of crack, the Guidelines sentences for the *Ricks* brothers would have been much lower.

The holding in *this case* thus effectively restores the Guidelines, at least in cases, to their pre-*Booker* mandatory status. The variances allowed by *Ricks* are no functionally no different than the departures for aggravating or mitigating circumstances allowed under the mandatory Guidelines that *Booker* found unconstitutional. Facts found by the judge raise the Guidelines range, and that

range is mandatory unless the judge finds facts warranting a different sentence.

Rehearing should therefore be granted because the opinion this case conflicts with the Supreme Court's Sixth Amendment jurisprudence.

In summary:

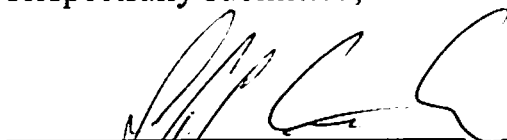
1. Zero crack cocaine is involved in this case.
2. The court failed to disqualify the documents from the opposing parties for non-compliance and the entire case is based on perjured testimony based on the press release of October 5, 2018 by the League of Women Voters.
3. East Lampeter Township assigned Tax Collection to the Lancaster County Treasurer on Feb 23, 2017, even though they knew she never had a surety bond and was collecting taxes illegally.
4. They robbed 2 Fulton Bank accounts of Jeffrey Cutler on April 3, 2017 based on a note written by Judge Margaret Miller on March 17, 2017.
5. A vice president of Marketing at Fulton Bank (Mark Katkovcin) executed the bank robbery, and committed an act of Mail Fraud on Sep 20, 2018 # C1884921.
6. Persons within the courts assisted with these criminal acts.
7. The civil rights of Brett Kavanaugh, William Henry Cosby and the president of the United States have been equally violated by paid protesters.
8. The professional opinion of Jeffrey Cutler is based on being a sequestered juror on the first trial of UNITED STATES of America v. John H. NACRELLI. Crim. No. 78-65-.1 and an engineer with a degree from Drexel University. At no time do I recall seeing Judge Steven O'Neill at Drexel or handing out fliers about Klu Klux Klan meetings.
9. It is possible to destroy evidence, but the truth cannot be destroyed.

**WHEREFORE**, for all the foregoing reasons, petitioner respectfully

requests that this Court grant the instant Petition for Panel Rehearing and Rehearing En Banc. Judge Maryanne Trump Barry and Judge Midge Rendell should recuse themselves from this case because of conflict of interests and relationships to persons possibly involved.

Respectfully submitted,

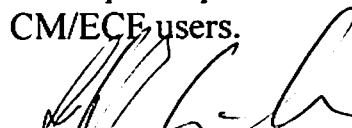
DATE: 9 OCT 2018



Jeffrey Cutler, pro se  
215-872-5715 (phone)  
[eltaxcollector@gmail.com](mailto:eltaxcollector@gmail.com)  
P.O. Box 2806  
York, PA 17405

### CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2018, I filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Third Circuit. Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system. I further certify that all of the other participants in this case are registered CM/ECF users.

  
\_\_\_\_\_  
Jeffrey Cutler

09 OCT 2018

### CERTIFICATION OF COMPLIANCE

This brief complies with the type-volume limitations of Fed. R. AP. P. 35(b)(2) and Circuit Rule 40-1 because this brief contains no more than 15 pages, excluding the parts of the brief exempted by Fed. R. AP. P. 32.

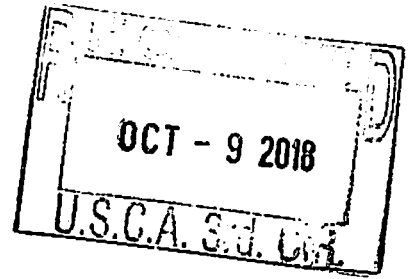
Respectfully submitted,

DATE: 9 OCT 2018



Jeffrey Cutler, pro se  
215-872-5715 (phone)  
[eltaxcollector@gmail.com](mailto:eltaxcollector@gmail.com)  
P.O. Box 2806  
York, PA 17405

MSG FOR MR COSBY "RIGHT"



# ADDENDUM

**NOT PRECEDENTIAL**

**UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT**

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No. 18-1816

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JACOB CORMAN, in his official capacity as Majority Leader of the Pennsylvania Senate; MICHAEL FOLMER, in his official capacity as Chairman of the Pennsylvania Senate State Government Committee; LOU BARLETTA; RYAN COSTELLO; MIKE KELLY; TOM MARINO; SCOTT PERRY; KEITH ROTHFUS; LLOYD SMUCKER; GLENN THOMPSON; JEFFREY CUTLER

v.

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

CARMEN FEBO SAN MIGUEL; JAMES SOLOMON; JOHN GREINER;  
JOHN CAPOWSKI; GRETCHEN BRANDT; THOMAS RENTSCHLER;  
MARY ELIZABETH LAWN; LISA ISAACS; DON LANCASTER; JORDI COMAS;  
ROBERT SMITH; WILLIAM MARX; RICHARD MANTELL;  
PRISCILLA MCNULTY; THOMAS ULRICH; ROBERT MCKINSTRY;  
MARK LICHTY; LORRAINE PETROSKY

(Intervenors in District Court)

Jeffrey Cutler,  
Appellant

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On Appeal from the United States District Court  
for the Middle District of Pennsylvania  
(D.C. Civ. No. 1-18-cv-00443)  
Circuit Judge: Kent A. Jordan;  
District Judges: Jerome B. Simandle and Christopher Conner

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Submitted Pursuant to Third Circuit LAR 34.1(a)  
September 14, 2018

Before: VANASKIE, COWEN and NYGAARD, Circuit Judges

(Opinion filed: September 25, 2018)

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OPINION\*

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PER CURIAM

Jeffrey Cutler appeals from an order of the District Court denying his motion to intervene and for reconsideration and from an order dismissing the plaintiffs' complaint and denying injunctive relief. For the reasons that follow, we will affirm in part and dismiss in part for lack of jurisdiction.

The Pennsylvania Supreme Court invalidated Pennsylvania's 2011 districting map as an unconstitutional partisan gerrymander under the Commonwealth's constitution. That court granted the General Assembly a period of time to enact replacement legislation, subject to the court's new legislative redistricting criteria. When the General Assembly failed to do so, the court imposed its own redistricting map.

Plaintiffs Senator Jacob Corman, in his official capacity as Majority Leader of the Pennsylvania Senate; Senator Michael Folmer, in his official capacity as Chairman of the Pennsylvania Senate State Government Committee; and eight Republican members of Pennsylvania's delegation to the U.S. House of Representatives filed suit in the United

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\* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

States District Court for the Middle District of Pennsylvania, contending that the state supreme court's decisions to strike the 2011 map and issue its own map violated the Elections Clause of the U.S. Constitution. Specifically, the plaintiffs alleged in Count I that the state supreme court's imposition of mandatory redistricting criteria violated the Elections Clause by usurping congressional redistricting authority vested exclusively in the General Assembly. In Count II, they alleged that the court further violated the Elections Clause when it developed its own map without providing the General Assembly an adequate opportunity to do so. The plaintiffs asked the District Court to enjoin the defendants from implementing the replacement map for the upcoming election and to require them to conduct the 2018 election cycle under the 2011 map. Pursuant to 28 U.S.C. § 2284(a), a three-judge panel was convened.<sup>1</sup>

The Pennsylvania Supreme Court's rulings came in a lawsuit filed in June, 2017 in the Commonwealth Court of Pennsylvania by the League of Women Voters and eighteen individual Pennsylvania voters. Following a hearing on March 1, 2018, the District Court granted the eighteen individual state-court petitioners leave to intervene and participate in the action as defendants ("the intervenor-appellees").<sup>2</sup> The District Court denied motions

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<sup>1</sup> Under 28 U.S.C. § 2284(a), "[a] district court of three judges shall be convened ... when an action is filed challenging the constitutionality of the apportionment of congressional districts."

<sup>2</sup> Those intervenor-defendants are: Carmen Febo San Miguel; James Solomon; John Greiner; John Capowski; Gretchen Brandt; Thomas Rentschler; Mary Elizabeth Lawn; Lisa Isaacs; Don Lancaster; Jordi Comas; Robert Smith; William Marx; Richard Mantell; Priscilla McNulty; Thomas Ulrich; Robert McKinstry; Mark Lichty; and Lorraine Petrosky.

to intervene filed by the League of Women Voters and the National Democratic Redistricting Committee. The defendants then moved to dismiss the complaint for lack of jurisdiction and failure to state a claim upon which relief may be granted, Fed. R. Civ. P. 12(b)(1) and 12(b)(6). The intervenors moved for judgment on the pleadings under Rule 12(c). The Rule 12 motions contended that the District Court lacked jurisdiction over the action because the plaintiffs did not have constitutional or prudential standing to bring their Elections Clause claims. Numerous amici briefs were filed and a hearing was held on March 9, 2018. In an order entered on March 19, 2018, the District Court granted both the defendants' motion to dismiss and the intervenors' motion for judgment on the pleadings. The complaint was dismissed with prejudice for lack of standing; the plaintiffs' motion for injunctive relief also was denied. See Corman v. Torres, 287 F. Supp.3d 558 (M.D. Pa. 2018).

On April 3, 2018, and thus 15 days after judgment was entered, pro se litigant Jeffrey Cutler, who had not previously participated in the lawsuit, filed a post-judgment motion to intervene as a plaintiff and motion for reconsideration. Cutler claimed that the Pennsylvania Supreme Court's replacement map violated the United States and Pennsylvania Constitutions and he sought to stay the May 15, 2018 primary election. In an order entered on April 10, 2018, the District Court denied the motion as both untimely and without merit. The Court concluded that Cutler could not satisfy Rule 24's requirements for intervening, and that, even if he could assert a proper basis for intervention, his motion for reconsideration was untimely filed under the local rules.

Cutler filed a timely notice of appeal on April 12, 2018, seeking review of the District Court's order denying his motion to intervene and for reconsideration.

We have jurisdiction. See McKay v. Heyison, 614 F.2d 899 (3d Cir. 1980) (order denying intervention as of right immediately appealable). See also Isidor Paiewonsky, Inc. v. Sharp Properties, Inc., 998 F.2d 145, 149-50 (3d Cir. 1993) (post-judgment orders are final and immediately appealable); Plymouth Mutual Life Insurance Co. v. Illinois Mid-Continent Life Insurance Co., 378 F.2d 389, 391 (3d Cir. 1967) (same). On April 16, 2018, Cutler filed an amended notice of appeal, seeking review of the District Court's March 19, 2018 order dismissing the plaintiffs' complaint with prejudice and denying injunctive relief. Prior to briefing, Cutler filed a motion for an injunction pending appeal, Fed. R. App. P. 8(a), which a motions panel of this Court denied.

We will affirm in part and dismiss for lack of jurisdiction in part. The District Court properly denied Cutler's post-judgment motion to intervene and for reconsideration.<sup>3</sup> A proposed intervenor is not entitled to intervene as of right unless, among other things, the motion is timely, the proposed intervenor has an interest in the litigation, and the interest is not adequately represented by an existing party in the litigation. Fed. R. Civ. P. 24(a)(2).<sup>4</sup> A proposed intervenor must demonstrate that its

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<sup>3</sup> Cutler's pro se brief is devoid of any argument pertaining to the District Court's appealable order denying his post-judgment motion to intervene. In this instance only, we will address the issue on the merits in recognition of our general preference for reaching the merits of issues and because the issue is straightforward.

<sup>4</sup> Rule 24(a)(2) provides:

interest is “specific to [it], is capable of definition, and will be directly affected in a substantially concrete fashion by the relief sought.” Kleissler v. U.S. Forest Service, 157 F.3d 964, 972 (3d Cir. 1998). Permissive intervention is discretionary with the District Court. Fed. R. Civ. P. 24(b)(2).

Cutler did not file his motion to intervene until after the case was over. He also did not show a sufficient interest in the litigation in that he did not seek to intervene to prosecute some aspect of the case that applies specifically to him. Although federal courts often permit intervention by voters, see Clark v. Putnam County, 168 F.3d 458, 461 n.3 (11th Cir. 1999) (referring to intervention of voters as “normal practice” in reapportionment disputes), they tend to do so when elected officials may represent only part of the electorate, id. Cutler’s motion does not address how his particular participation would be required to achieve in some concrete fashion the relief sought. We note that, in seeking to intervene on the defendants’ side, the eighteen individual state-court petitioners, who were granted leave to intervene by the District Court, were the only parties to present evidence at trial of the 2011 map’s invalidity and the qualities of a map that would comply with the Pennsylvania Constitution. Cutler, in contrast, offered nothing of this nature.

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(a) Intervention of Right. Upon timely application anyone shall be permitted to intervene in an action: ... (2) when the applicant claims an interest relating to the property or transaction which is the subject of the action and he is so situated that the disposition of the action may as a practical matter impair or impede his ability to protect that interest, unless the applicant’s interest is adequately represented by existing parties.

Fed. R. Civ. P. 24(a)(2).

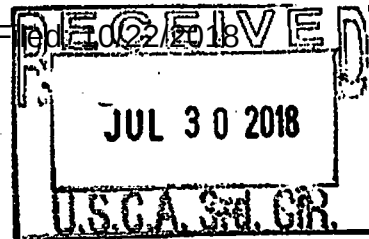
Cutler also failed to show that his interests are not adequately represented by the plaintiffs. A proposed intervenor's interests are not adequately represented if they diverge sufficiently from the interests of the existing party, such that "the existing party cannot devote proper attention to the applicant's interests." United States v. Territory of the Virgin Islands, 748 F.3d 514, 520 (3d Cir. 2014). This burden to show that one's interests are not adequately represented is regarded as minimal, see Mountain Top Condominium Ass'n v. Dave Stabbert Master Builder, Inc., 72 F.3d 361, 368 (3d Cir. 1995), but it does vary with each case, see Kleissler, 157 F.3d at 972. Here, Cutler made no showing at all that there is any divergence between his interests on the one hand and those of the plaintiffs on the other, or that the plaintiffs cannot devote proper attention to his interests.

Since the District Court properly denied Cutler's motion to intervene, he is neither a party nor an intervenor. He thus lacks standing to appeal the District Court's March 19, 2018 order dismissing the plaintiffs' complaint with prejudice and denying the motion to enjoin the implementation of the replacement map. See IPSCO Steel (Alabama), Inc. v. Blaine Construction Corp., 371 F.3d 150, 153 (3d Cir. 2004) ("Ordinarily, only parties of record before the district court have standing to appeal."). Cutler is not "a party aggrieved by" the March 19, 2018 judgment, see Deposit Guaranty Nat'l Bank v. Roper, 445 U.S. 326, 333 (1980). Moreover, as a general matter, an appeal from the denial of an injunction by a three-judge panel lies directly to the United States Supreme Court, not the Court of Appeals. See 28 U.S.C. §§ 1253, 1291; Idlewild Bon Voyage Liquor Corp. v. Epstein, 370 U.S. 713, 715-16 (1962) (per curiam).

For the foregoing reasons, we will affirm the order of the District Court denying Cutler's post-judgment motion to intervene and for reconsideration. We will dismiss Cutler's appeal from the District Court's March 19, 2018 order dismissing the plaintiffs' complaint and denying injunctive relief for lack of jurisdiction.

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 RENTSCJLER; MARY  
ELIZABETH LAWN; LISA ISAACS; DON LANCASTER; JORDI COMMAS;  
ROBERT SMITH; WILLIAM MARX; RICHARD MANTELL; PRISCILLA  
MCNULTY; THOMAS ULRICH; ROBERT MCKINSTRY; MARK LICHTY;  
LORAIN 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*

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**APPELLANT'S MOTION FOR LEAVE TO FILE AMMENDED  
BRIEF**

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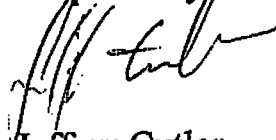
**JEFFREY CUTLER  
P.O. Box 2806  
York, PA 2806  
(215) 872-5715  
*Pro Se Appellant***

---



Amended Brief even though it was previously filed as a **NOTICE OF ERRATA AND CORRECTION**. The Appellant was told by the clerk's office that "**All Courts are Different**" July 27, 2018 when asking why the document filed on July 26, 2018 was not part of the docket at that time. Even though the Appellant has no formal legal training he believes this is obstruction of justice, violation of equal protection (United States Constitution Amend 5) and violates 28 United States Code § 955. The Appellant hereby informs the court that the attached pages should replace the equivalent pages submitted on July 16, 2018 for minor omissions, and format. The caption of the case was incorrectly altered by the Appellant service and other changes were corrected. This Errata document was based on 2:13-cv-00193 Sothern District of Texas and case 8:12-cv-01458 Central District of California, Southern Division, document 11. The attached document is believed to be identical to the document filed on July 26, 2018, except it also contains the corrected cover for the appendix.

Respectfully submitted,



Jeffrey Cutler

Pro Se

P.O. Box 2806

York, PA 17405

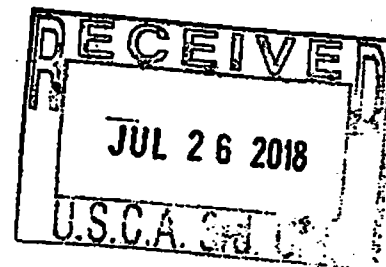
eltaxcollector@gmail.com

Tel: (215) 872-5715

*Appellant*

Date 30 July 2018

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;  
LORAIN 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*

---

**NOTICE OF ERRATA and CORRECTION**

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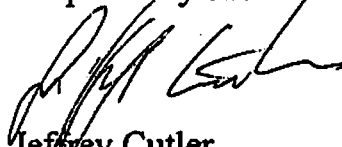
JEFFREY CUTLER  
P.O. Box 2806  
York, PA 2806  
(215) 872-5715  
*Pro Se Appellant*

---

**NOTICE OF ERRATA AND CORRECTION**

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Respectfully submitted,



Jeffrey Cutler  
Pro Se  
P.O. Box 2806  
York, PA 17405  
eltaxcollector@gmail.com  
Tel: (215) 872-5715  
*Appellant*

**Dated: July 23, 2018**

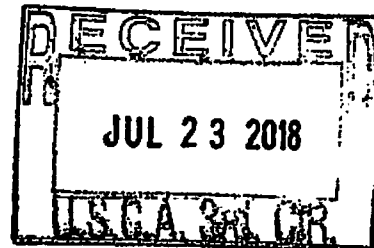
**Date** 26 JUL 2018

**No. 18-1816**

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT**

**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** )  
Plaintiff-Appellants, )

Appeal No. 18-1816



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**; )  
**LORAIN PETROSKY** )  
(Intervenors in District Court) )

Defendants- )

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

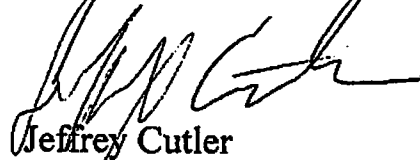
**ERRATA**

Jeffrey Cutler  
Pro Se  
P.O. Box 2806  
York, PA 17405  
eltaxcollector@gmail.com  
Tel: (215) 872-5715  
Appellant

**NOTICE OF ERRATA**

The Appellant hereby informs the court that the attached pages should replace the equivalent pages submitted on July 16, 2018 for minor omissions, and format. The caption of the case was incorrectly altered by the Appellant service.

Respectfully submitted,



Jeffrey Cutler  
Pro Se  
P.O. Box 2806  
York, PA 17405  
eltaxcollector@gmail.com  
Tel: (215) 872-5715  
*Appellant*

**Dated: July 23, 2018**

Date 23 Jul 2018

**UNITED STATES DISTRICT COURT EASTERN DISTRICT OF PENNSYLVANIA**

**JEFFREY CUTLER,  
EAST LAMPETER TOWNSHIP  
ELECTED TAX COLLECTOR**

**Plaintiff,**

**v.  
AMBER GREEN,  
RALPH HUTCHINSON,  
JUDGE MARGARET MILLER,  
CHRISTINA HAUSNER,  
RON MARTIN - WGAL  
AND SELECTED PENNSYLVANIA PUBLIC  
OFFICIALS (BOTH ELECTED AND  
NON-ELECTED), et al.**

**Defendants**

) **CASE NO.: 2:17-cv-00984**

) **JURY TRIAL REQUESTED**

**FILED**

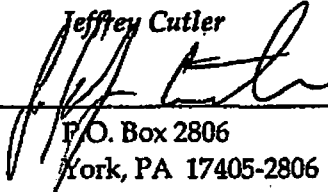
**AUG 04 2017**

**KATE BARKMAN, Clerk  
By \_\_\_\_\_ Dep. Clerk**

**NOTICE OF APPEAL**

Notice is hereby given that Jeffrey Cutler, Plaintiff in this matter, hereby appeals to the United States Court of Appeals for the Third Circuit from the Order of the United States District Court for the Eastern District of Pennsylvania dated July 21, 2017 denying Plaintiff's Motion for Reconsideration and denying Plaintiff's Motion for Default Judgment. On July 25, 2017 the United States Postal System acknowledged the 190,000 counts of Mail Fraud referenced in docket 42 is now identified as C#1841062 (new evidence). Protecting the public from 190,000 counts of Mail Fraud should not be considered groundless or vexatious conduct, and ignoring such events could be considered obstruction of justice like the email of the FBI of Jan 30, 2017.

Respectfully submitted:

By:  **DATE 4AUG2017**  
P.O. Box 2806  
York, PA 17405-2806  
(215) 872-5715

celebrations-external@lpnews.com

9:58 PM (14 hours ago)

to me

# LancasterOnline

THANK YOU for your ad submission!

This is your confirmation that your order has been submitted. Below are the details of your transaction. Please save this confirmation for your records.

## Job Details

Order Number: W0022669  
Classification: Memoriams  
Package: In Memoriam  
Total Cost: \$85.00  
Payment Type: Mastercard

## Schedule for ad number W00226690

Fri Sep 1, 2017  
Lancaster Celebrations All Zones



In Loving Memory of  
SERGEANT IRVING CUTLER

Irving Cutler died July 13, 1942 defending the Constitution of the United States. Sergeant Irving Cutler died when his B-24 was shot down after leaving Libya. Irv was awarded the Silver Star and Purple Heart. His nephew Jeffrey Cutler the Tax Collector of East Lampeter Township memorialized the 75th anniversary of his uncle's sacrifice on page 2 of the filing made July 14, 2017 in case # 2:17-cv-00984 trying to protect the public from 190,000 counts of Mail Fraud. More information can be found at <https://www.youtube.com/watch?v=mgCie8F-rUR>

CENSORED 30AUG2017

## Account Details

Jeffrey Cutler  
P.O. BOX 2806  
YORK, PA 17405  
215-872-5715  
[elitaxcollector@gmail.com](mailto:elitaxcollector@gmail.com)  
Credit Card - Mastercard \*\*\*\*\*4103

## KIA and MIA

[www.armyaircorps-376bg.com/kia\\_mia.html](http://www.armyaircorps-376bg.com/kia_mia.html)

MIA, Benghazi, Libya, July 13, 1942: Officers ... Cutler, Irving (NMI) 13027278 Radio Operator.

Messina, Sicily, July 14, 1943 \*\* This was a 389th BG plane.

DATE 29AUG2017

**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; LORAIN 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*

---

**APPENDIX**  
**Volumes II of II (Pages 34a-End)**

---

JEFFREY CUTLER  
P.O. Box 2806  
York, PA 2806  
(215) 872-5715  
*Pro Se Appellant*



I hereby certify that on July 30, 2018, I filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Third Circuit. Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system. I further certify that all of the other participants in this case are registered CM/ECF users.

  
\_\_\_\_\_  
Jeffrey Cutler

Date 30 JUL 2018



Mail Fraud Complaint FDIC COMPLAINT 00930188 POLICE WW-18-08791

CFPB COMPLAINT 180918-3482888

Your Information

Company Name: [Redacted]  
 First Name: JEFFREY \* Last Name: CUTLER  
 Address: P.O. BOX 2806  
 City: YORK  
 State: Select One...  
 ZIP Code: 17405-2806  
 Country: UNITED STATES  
 Cell Phone: (215) 872-5715 Work Phone: (215) 631-9583  
 Home Phone: (717) 854-4718 Fax:  
 Email Address: ethaxcollector@gmail.com  
 Age Range: 55-64

Complaint Filed Against

Company Name: FULTON BANK  
 First Name: MARK Last Name: KATKOVICIN  
 Address: ONE PENN SQUARE  
 City: LANCASTER  
 State: Pennsylvania  
 ZIP Code: 17602  
 Country: UNITED STATES  
 Cell Phone: (494) 553-4615 Work Phone: (717) 824-8417  
 Home Phone: Fax:  
 Email Address: mkatkovicin@fultonbank.com  
 Website Address:

How Were You Contacted?

How were you contacted? US Mail  
 In what date were you contacted? 07/25/2018  
 Do you have the envelope it was mailed in?  Yes  No

How Did You Respond to This Offer?

How did you respond to this offer? In Person  
 Did response Mailed to a Different Address:  Yes  No  
 Company Name: FULTON BANK  
 First Name: Last Name:  
 Address: 155 Swedensford Road  
 City: EXTON  
 State: Pennsylvania  
 ZIP Code: 19341  
 Country: UNITED STATES

Do you have a mailing receipt (Certified, Insured or Express Mail)?  Yes  No  
 Mail Receipt Number: 235/5100/0001

What did you receive? RECEIPT FOR ACCOUNT  
see page 250 of description

How did it differ from what you expected?  
see page 250 of description  
 OFFER REQUIRED I MAKE A DEPOSIT BY AUGUST 23, 2018 TO KEEP ACCOUNT OPEN. ON AUGUST 01, 2018 I MADE A \$ 251.00 DEPOSIT TO ACCOUNT. ON SEPTEMBER 20, 2018 I WAS CALLED BY MR.

How much did the company ask you to pay (\$)? 251.00  
 Do you have the item?  Yes  No  
 How was it delivered? In Person  
 Did you contact the company or person about the complaint?  Yes  No  
 Date Last Contacted Company or Person: 09/21/2018

Did You Lose Money?

Did you lose money?  Yes  No  
 Payment Type: Money Transfer Service  
 Payment Amount(\$): 900,000.00  
 Payment Date: 04/03/2017 ID FOR COMPLAINT SENT TO ERIE INSURANCE  
 Money Transfer Service Type: Other 181005-3526060  
 Other:  
 Money Transfer Number: UNKNOWN  
 City: LANCASTER  
 State: Pennsylvania  
 ZIP Code: 17602  
 Country: UNITED STATES

# Fulton Bank

September 26, 2018

Jeffrey Cutler  
67 Cambridge Village  
Lancaster PA 17602

Re: CFPB Complaint #180918-3482888

Dear Mr. Cutler:

I write in response to the complaint we received from the CFPB on September 18, 2018. In the complaint, you stated that based on an "illegal" order from Judge Margaret Miller, Fulton Bank, N.A. (the "Bank") executed a "bank robbery" by removing funds from Bank accounts ending in 8603 and 8612. Your resolution, per the complaint, was to have the Bank restore the accounts and all the funds that were removed, compensate plaintiffs for cases 5:18-CV-00987 and 2:17-CV-02763, which are lawsuits believed to be unrelated to your complaint, and open a Bank branch in Overbrook Park, Philadelphia, PA.

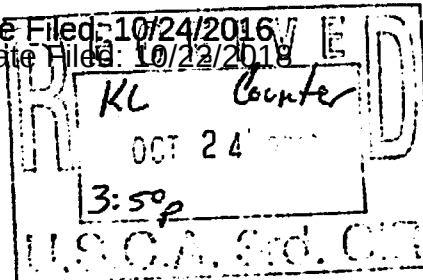
The Bank has reviewed your complaint and is unable to ascertain specific allegations with respect to Bank process or procedure. However, after investigation, the Bank has determined that a Court Order ("Order") dated March 17, 2017, required it to take certain actions with respect to the above-referenced tax collection accounts. The Bank has found no evidence to support your claims with respect to the illegality of the Order or your assertion that a "bank robbery" was committed by the Bank or any of its employees.

We appreciate this opportunity to respond to your complaint. Should you have any further questions concerning this matter or require any additional information, please feel free to contact me using the information below.

Sincerely,



Bryan L. Holmes  
Executive Vice President  
Fulton Bank  
(570)271-3405  
bholmes@fnbbank.com



No. 16-3164

IN THE UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

Before the Honorable Fisher, Shwartz  
and Barry  
(Opinion filed October 13, 2016)

EAST LAMPETER TOWNSHIP,

Plaintiff-Appellee,

v.

JEFFREY CUTLER,

Defendant-Appellant.

On Appeal From The United States District Court  
For The Middle District of Pennsylvania

Honorable Sylvia Rambo  
Senior United States District Judge

U.S.D.C. No. 16-1159

---

PETITION FOR REHEARING  
EN BANC

---

JEFFREY CUTLER  
Jeffrey Cutler, *pro se*  
215-872-5715 (phone)  
[eltaxcollector@gmail.com](mailto:eltaxcollector@gmail.com)

## I. STATEMENT OF REASONS FOR EN BANC REVIEW

The opinion in this case holds that once a judge has found possible Deficiencies against a defendant's case, a corrupt government entity may compel a defendant to loose all rights to fair and equitable trial. This is an unprecedented expansion of government power to force defendants who have never been convicted of anything to and must accept the King's law. The Court has previously struggled in deciding the point in the justice process at which the government's interest an individual's right to integrity and privacy. Friedman v. Boucher, 580 F.3d 847 (9<sup>th</sup> Cir. 2009); United States v. Kriesel, 508 F.3d 941 (9<sup>th</sup> Cir. 2007); United States v. Kincade, 379 F.3d 813 (9<sup>th</sup> Cir. 2004)(en banc). This case presents a question of exceptional importance that should be decided by this Court sitting en banc. Fed. R. App. P. 35(a)(2).

The majority opinion also squarely conflicts with this Court's prior opinions that persons arrested have more rights than persons being persecuted by corrupt government entities. In Friedman, 580 F.3d 847, and United States v. Scott, 450 F. 3d 863 (9<sup>th</sup> Cir. 2006). In Friedman, this Court held that the government could not constitutionally profile a non-detained alleged offender charged with any offenses. In Scott, this Court held that the government could not search a pretrial releasee without probable cause. Both cases rejected the argument that pretrial defendants can constitutionally be searched for evidence without a warrant or probable cause. Consideration by the full Court is necessary to secure and maintain uniformity of this Court's decisions. Fed. R. App. P. 35(a)(1).

## II. PROCEDURAL BACKGROUND

Mr. Cutler was charged in Mandamus. On June 19, 2015 (case 15-05424), judge Wright was assigned to the case. Mr. Cutler was charged with 3 main counts. Mr. Cutler hired a lawyer and paid him \$7,000. Mr. Cutler filed a cross complaint pro se in common pleas court on June 30, 2015 (case 15-05682). Nothing was done until on January 4, 2016 Mr. Cutler requested Judge Wright

assigned. Judge Miller was assigned prior to the start of the case. Mr. Cutler was elected to the position of tax collector in the election of November 2013. After taking his "Oath of Office" and on December 31, 2013 Mr. Cutler filed a pro se challenge to Obamacare, case 1:13-cv-2066 to defend the constitution of the United States and his constituents that are Amish. Mr. Cutler had hired Fulton bank to assist him with the collection process, an institution with 16 Billion in Assets under management and over 80 locations in which tax payers could pay their taxes at the time the agreement was made. The bank hours vary by location but generally exceed 40 hours per week spread over 6 days. On November 11, 2015 the American Freedom Law Center filed a Petition for Writ of Certiorari for his case against Obamacare (1:13-cv-2066, 14-5183. 15-632). The United States Government declined to respond to the petition. In December of 2015 East Lampeter Township filed an Injunction against Mr. Cutler in an attempt to remove him from office and alter the outcome of the election of 2013. The township manager had committed an act of mail fraud (complaint #1773989) and misrepresentation in the verification in the support of the injunction. The lawyer for Mr. Cutler requested an additional payment of \$ 5,000. Judge Wright based on the injunction ordered that Mr. Cutler personally had to be in attendance at a location and that the tax bills must be altered. In December 2015 Mr. Cutler noted unexplained intrusions in his apartment, and some surveillance equipment was installed. Also in December 2015 all three vehicles of Mr. Cutler were vandalized at various times in the apartment complex where he resides. A police report was filed for each incident with the East Lampeter Police Department. This even included a Swastika being keyed on the door of his Dodge vehicle. Mr. Cutler does not outwardly demonstrate he is Jewish. The estimate of damage exceeds \$ 5,000.00 On January 6, 2016 Mr. Cutler published a Youtube video about the challenge in the Supreme Court ([https://www.youtube.com/watch?v=mgCle8F\\_zUk](https://www.youtube.com/watch?v=mgCle8F_zUk)), and uses it to leave

Sunday January 10, 2016 in the early morning Mr. Cutler was stopped in the parking lot of his apartment complex by 2 Officers of the Pennsylvania State Police for DUI. Mr. Cutler had drank less than \$ 10.00 worth of beer and driven less than 1.5 miles to his apartment complex. Mr. Cutler was tested with a breath analyzer and it recorded a number under the legal limit. Mr. Cutler was still transported in handcuffs to Lancaster General Hospital and blood was drawn. Mr. Cutler requested an additional tube of blood to be drawn, but that request was not honored. Mr. Cutler has been sent bills for drawing blood on January 10, 2016. Also on January 10, 2016, Mr. Cutler recorded an intruder in his apartment while he was not present and in Philadelphia. On January 11, 2016 the United States Supreme Court declined to hear the Petition for Writ of Certiorari for his case against Obamacare (15-632).

On January 20, 2016 Judge Miller was directed to handle case 15-5424 with no other explanation given and Judge Wright only transferred this case, not any other cases. On February 2, 2016 Mr. Cutler formally requested by letter to the East Lampeter Township police chief that the Swastika "keyed" on Mr. Cutler's vehicle be upgraded to a hate crime, since conversations with 2 different police officers in the East Lampeter Township police force failed to get the desired result. To date there has been no reporting of any progress on any investigation in this matter. On February 22, 2016 Judge Miller dismissed case 15-5682 without PREJUDICE. On March 17, 2016 Judge Miller dismissed case 15-5682 with PREJUDICE. It was essentially dismissed for improper service, (not being served by the Sheriff), even though a provision in the law allows a non-sheriff service if the sheriff office is involved. It should be noted that presently the sheriff is on administrative leave and his legal fees are being paid by Lancaster County. In March 2016 Mr. Cutler went to an office of the FBI and talked to Joesph A. Milligan (special agent) and played the recording from his apartment of January 10, 2016. On April 15, 2016

East Lampeter Township by stipulation. The lawyer for Mr. Cutler informed him that there was going to be a trial for Count III in 30 days (essentially an amended complaint) and Mr. Cutler informed the lawyer that to ask for an extension, jury trial and to subpoena a list of witnesses. The lawyer told Mr. Cutler that a jury trial was not possible or an extension and refused to send subpoenas to his list of witnesses. He was terminated from the case by Mr. Cutler. Mr. Cutler filed a pro se challenge to the case and a request for an extension but it was stricken by judge Miller. Judge Miller also un-terminated the lawyer Mr. Cutler had terminated in the case 15-5424. On June 6, 2016 the Agenda for the East Lampeter Supervisors meeting item 7a was "Consideration of Memorandum of Understanding with the FBI". On June 16, 2016 Mr. Cutler filed a Move Order to federal court pro se (case 16-1159) and a Stop order in Lancaster court of Common Pleas. Case number 16-1159 was remanded back to Lancaster in one day. A trial was held on June 17, 2016 without Mr. Cutler or the court being notified, of the remand order. Mr. Cutler filed a motion to reconsider the order to remand. On July 18, 2016 Mr. Cutler filed an appeal pro se with the USCA third circuit case number 16-3164. On July 21, 2016 Mr. Cutler emailed the lawyer of record for case 15-5424 that he was not authorized to file anything in case 15-5424 without his written consent, and he had made an error in an unauthorized filing he mailed to Mr. Cutler on July 12, 2016, item 9. Mr. Cutler requested he correct the public record. As of this date no correction has been made. This filing was also a request to withdraw. On September 15, 2016 Mr. Cutler found a notice of move out inspection for Monday September 18, 2016 on the doorknob outside the apartment. On September 27, 2016 High Inc. (the largest holder of real estate in East Lampeter Township) at the request of East Lampeter Township filed a motion to evict Mr. Cutler from the apartment complex where he resides for failing to sign a lease that allows the complex to allow the East Lampeter Police to perform warrantless search or seizure and violate Mr. Cutler's Fourth



District Justice office (MJ-02302-LT-0000158-2016) on October 18, 2016 found Mr. Cutler guilty even though he noted the complex filed the motion prior to the move out date, did not serve it properly, Mr. Cutler noted the representative from High Inc. made false statements to the court, and the third witness subpoenaed failed to show up (Joseph A. Milligan, FBI Special Agent). No contempt of court citation was issued. On October 20, 2016 Mr. Cutler went to the office of Joseph A. Milligan, FBI Special Agent, and met with him outside the building and asked why he failed to be present at the hearing. He stated he never received the subpoena. He confirmed that a receipt received from the district Justice office for sending out the subpoenas signified this could be a case of mail fraud and obstruction of justice. Since Mr. Cutler has become the Tax Collector of East Lampeter Township and Lancaster County have conspired to not pay half the cost of postage and printing as required by law of the approximately 5465 tax bills sent out each year, and pay no other office costs or legal fees, as an effort to be able to RIG elections after the fact. In fact Mr. Cutler has spoken to at least one individual that is presently 86 years old that many years ago he was transported by bus to Philadelphia to vote for Frank Rizzo. It is apparent from the Wikileaks releases being made public that government officials have a long established dislike for religion and want to change the First Amendment. It should be noted that both J. King and Seth Rich are both deceased.

COUNT I - FAILURE TO BE IN ATTENDANCE

5. Section 72 P.S. § 5511.13 of the Local Tax Collection Law provides  
the tax collector shall in person, or by some person duly authorized, be in attendance for the purpose of receiving and receipting for taxes on at least three days of each week during the last two weeks of the period or periods during which discounts are allowed, at his residence or some other appropriate place, to be designated by him in the tax notice. 72 P.S. 5511.13.
7. Tax notices sent by Cutler do not indicate when and where Cutler will be in attendance for the purpose of receiving and receipting taxes as required by 72 P.S. 5511.13.
8. Tax notices sent by Cutler to taxpayers list a post office box located outside the Township as his address. In particular, Cutler lists an address of P.O. Box 26, East Petersburg, PA 17520 on tax notices sent to Township residents. True and correct copies of tax notices sent by Cutler in 2014 and 2015 are attached hereto and incorporated herein as Exhibit "A".
9. Tax notices sent by Cutler in 2014 and 2015 state an address of "EAST LAMPETER BRANCH 528 GREENFIELD ROAD" printed under the text "OFFICE HOURS: PAY AT ANY FULTON BANK." See Exhibit "A".
10. No Fulton Bank locations exist within East Lampeter Township.
11. Tax notices sent by Cutler in 2015 list "six of over 80 Fulton Bank locations that accept payment of this tax bill." See Exhibit "A".
12. Tax notices sent by Cutler to taxpayers are sent in envelopes indicating a separate post office box located outside the county. In particular, Cutler lists an address of P.O. Box 2806, York, PA 17405-2806 on tax notice envelopes. A true and correct copy of a tax notice envelope sent by Cutler is attached hereto and incorporated herein as Exhibit "B".
13. Upon information and belief, Cutler has never maintained office hours at any of the various addresses listed on the tax notices Cutler sent to taxpayers.
14. Letters received by the Township from Cutler are on Township letterhead, with a stated address of 2250 Old Philadelphia Pike, Lancaster, PA 17602. Cutler has indicated in at least one such letter to the Township that "the physical address for tax payments is: Fulton Bank Lockbox Dept., Jeffrey Cutler Tax Collector, 1695 State Street, East Petersburg, PA 17520." A true and correct copy of a letter from Cutler is attached hereto and incorporated herein as Exhibit "C".
15. Business cards distributed by Cutler also indicate the Township Office address as the Tax Collector address, and display the Township's trademark logo in addition to an "Obamacare Violates the 1<sup>st</sup> and 5<sup>th</sup> Amendments" advertisement. A true and correct copy of Cutler's business card is attached hereto and incorporated herein as Exhibit "D".
16. Cutler does not, and has never, maintained an office at the Township Office located at 2250 Old Philadelphia Pike, Lancaster, PA 17602.
17. To date, Cutler has failed to designate an office address or office hours on tax notices as required by Local Tax Collection Law.

18. Local Tax Collection Law requires that "a tax collector shall, with the approval of a taxing district and the tax collector's surety, appoint a deputy tax collector who shall collect and settle taxes during any incapacitation of the tax collector." 72 P.S. § 5511.22.

19. On December 5, 2014, Cutler's bonding surety sent Cutler a letter requesting that Cutler appoint a deputy tax collector and explaining the legal requirement to do so. A true and correct copy of a letter from the bonding surety is attached hereto and incorporated herein as Exhibit "I".

20. On June 2, 2015, Township received a copy of a letter from the Office of the County Treasurer to Cutler explaining the requirement and procedure for appointing a deputy tax collector and indicating Cutler's failure to do so. A true and correct copy of the letter from the county Treasurer is attached hereto and incorporated herein as Exhibit "F".

21. To date, no deputy tax collector has been appointed by Cutler in violation of the Local Tax Collection Law.

**COUNT III: FAILURE TO KEEP ACCOUNTS AND RECORDS**

22. Local Tax Collection Law requires that "the tax collector shall keep a correct account of all moneys collected by him as taxes . . ." 72 P.S. § 5511.25.

Below is the notice mailed and addressed to the defendant, showing the court clearly establishes the proper jurisdiction. So since the court and post office identify the York address as the proper jurisdiction it is correct.

MARCIA M. WALDRON  
CLERK



Jeffrey Cutler  
67 Cambridge Village  
P.O. Box 2806  
York, PA 17405

OFFICE OF THE CLERK  
UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT  
333 UNITED STATES COURTHOUSE  
501 MARKET STREET  
PHILADELPHIA, PA 19104-3909  
Website: [www.ca3.uscourts.gov](http://www.ca3.uscourts.gov)

TELEPHONE  
215.507.2995

July 22, 2016

By RAND PAUL

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Imagine that it is 5 a.m. on a busy morning in April. The sun is not yet risen and you are still in bed, resting and thinking about the laborious day ahead working on your farm. But instead of being wakened by your alarm clock, you are yanked out of bed by a government agent. Imagine your day beginning with an unannounced government raid—two US marshals and a state trooper, storming your farm with a warrant and loaded weapons in hand.

You would no doubt be wondering what you had done wrong, how this abrupt intrusion had come about and why. Yet you would soon learn that you had been the target of a yearlong sting operation conducted by the federal government.

This might sound like the trailer for some upcoming action movie. It is not. It is precisely what happened to Amish farmer Daniel Allgyer.

Daniel Allgyer, his wife, Rachel, and their eight children live in a town called Kintzert in Lancaster County, Pennsylvania. Like most Amish families, they live simple lives while operating their dairy farm, Rainbow Acres Farm. They run a small agricultural business from their farm, where they sell fresh cheese, butter, milk, and produce. You might be wondering what made the seemingly innocuous Amish dairy farmer

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Government Bullies

Allgyer a target worthy of federal scrutiny? Well, Mr. Allgyer is a member of the Amish, a religious group from Pennsylvania.

So Dan and Virginia are selling fresh raw milk to their local buyers through the Amish network. Amish dairy farmers operate under the guidelines of *Ordnung*, a set of rules long accepted and followed by the Amish community. The guidelines would dictate certain limitations on everyday life and prohibit or limit the use of products that the Amish consider to be worldly and indulgent. The Amish do not use antibiotics or hormones in the modern, factory-style commercial farms. Amish dairy farmers are not allowed to use these simple standards of living if it should be a surprise that the raw milk that is produced by Rainbow Acres Farm were not pasteurized or treated with modern products to improve the shelf life of the milk.

The raw milk market is a significant one—there are over ten million raw milk consumers in the United States. Mr. Allgyer was a very well-known and well-respected dairy farmer through Lancaster County. Not only did his fellow people support his operation for their dairy, but he also sold raw milk to his customers from Virginia when his daughter was a baby, who found, in her first pasteurized milk, she became a lactose intolerant. Rainbow Acres Farm, though, "We like the way they taste, we like their product. It is super high quality and they are wonderful. It is just a wonderful product."

But the Food and Drug Administration disagreed. The agency's actions were not based on safety concerns, but on the fact that the federal government prohibited the sale of raw milk. The agency's actions were not based on safety concerns, but on the fact that the federal government prohibited the sale of raw milk.

In 2009, the FDA received a complaint from a consumer

Public Enemy No. 1: Amish Raw Milk

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Since then, the agency has vowed to do everything it can to regulate this business. If it was within the FDA's jurisdiction, the agency would ban the sale of raw milk altogether. "It is the FDA's position that raw milk should never be consumed," said Tamara S. Ward, spokeswoman for the FDA.

There are potential problems if a corporation wanted to distribute raw milk nationally, but these problems don't necessarily apply to family businesses, farms, and co-ops that distribute and share at local, state, and regional levels. No one is saying we should mass produce raw milk commercially. The FDA fails to recognize this important distinction.

The agency insists on taking a strong stance opposing the sale of raw milk. A stance so strong that the FDA saw fit to spend taxpayer dollars to fund a yearlong sting operation to prosecute an Amish dairy farmer. The food freedom blog [hatterkisonline.com](http://hatterkisonline.com) described Allgyer's operation:

Federal regulators often cite food safety concerns to justify their actions that shut down private enterprises. Let's look at Dan Allgyer's track record. At the time of his farm's closure, he was farming around 100 acres. He provided an impressive range of nutrient dense foods to his club members: raw milk, grass-fed meats, soy-free chicken/eggs to nearly 500 families. Never, in 6 years, did a club member report a food borne illness from trading directly with Dan [emphasis added].

According to the ten-page complaint that was filed against Allgyer, the FDA began to investigate Rainbow Acres Farm in late 2009. An investigator located in Baltimore used aliases to

sign up for a Yahoo! user group for Rainbow Acres' customers. The investigator began placing orders for raw milk and would have these orders delivered to a private residence in Maryland.

Because the orders were being sent from the Pennsylvania farm to a residence in Maryland, it became a federal violation and thus—your guess is—under the jurisdiction of the FDA. This was the plan from the beginning of this sting operation—that by crossing state lines, the distribution of the milk would come under the interstate commerce clause, thus making Daniel Allgyer a lawbreaker. After months of surveillance, investigators visited Rainbow Acres Farm. Allgyer turned them away, telling them they did not have the proper documentation to search his property. This angered the FDA, so they returned two months later, at the crack of dawn, with a warrant and weapons in tow to startle and arrest Mr. Allgyer. Pete Kennedy, president of the Farm-to-Consumer Legal Defense, tells us that "[undercover sting operations] happen quite a bit. It is almost like they treat raw milk as crack. It has happened in a number of states and at the federal level."

During the raid of Rainbow Acres Farm, investigators found containers labeled "to be delivered" to various towns in Maryland. This had led to a cease-and-desist order from the FDA. The agency demanded that Allgyer stop selling his dairy products across state lines. But instead of ceasing all business, Allgyer formed a club of sorts. He made customers sign an agreement stating that they supported and understood the operations of his farm and were not trying to entrap the owners, and he qualified all members to become shareholders in the farm's produce, paying only for the farmer's labor. Raw milk advocates hoped this agreement would allow Rainbow Acres to evade the FDA's definition of "commerce," thus tak-

ing the matter out of the federal government's purview altogether. You cannot have commerce with yourself. If you are a part owner in the cow in question, then the commerce clause doesn't apply—you are simply receiving what is already yours.

Not surprisingly, this tactic didn't save Allgyer from the FDA's wrath. The agency filed suit against Rainbow Acres Farm. Judge Lawrence F. Stengel ruled that Allgyer could no longer ship raw milk to other states. Most of Allgyer's customers reside outside Pennsylvania, so due to this court ruling he was required to shut down his farm. Putting Rainbow Acres Farm out of business was the FDA's ultimate goal throughout this entire saga.

This case goes far beyond the debate about the health factors that come with consuming raw milk. This prosecution by the FDA and ruling by Judge Lawrence completely disregards individual liberties. This scenario acts as proof that the FDA now has jurisdiction over private property use. A Rainbow Acres Farm customer describes this outrageous situation, stating his disbelief: "I cannot believe in 2012 our federal government is raiding Amish farmers at gunpoint all over a basic human right to eat natural food. In Maryland they force taxpayers to fund abortions, but God forbid we want to drink the same raw milk that our grandparents and great-grandparents drank."

unquestionably implicates Mr. Pool's right to personal security embodied in the Fourth Amendment. United States v. Pool, 2010 U.S. App. LEXIS 19133, \*10, No. 09-10303 at p. 14023 (Sept. 14, 2010).<sup>2</sup>

Based on the judicial determination of probable cause for the crime charged, the majority opinion employs the "totality of circumstances" test, even though Mr. Cutler has not been convicted of a crime.

The dissenting opinion notes that no circuit has ever before approved such a warrantless search or seizure before an individual has been convicted of any crime, and would hold that the government failed to justify a Fourth Amendment exemption of this magnitude. Id., at \*62, p. 14055. It emphasizes that the Supreme Court has upheld searches as a condition of release under the "totality of circumstances" test only after an individual has been convicted of a crime and hence has a lowered privacy interest. Id., at \*63, p. 14055. The dissenting opinion points out that the majority and concurring opinions conflict with both Friedman and Scott in holding that a probable cause determination, rather than a conviction, constitutes the "watershed event" that results in a diminished expectation of privacy. Id., at \*69, p. 14058. In addition, the decision in Friedman squarely forecloses the government's reliance on using the DNA samples of pretrial defendants to solve past and future crimes. Id., at \*74,

### III. ARGUMENT

This Case Presents Issues of Exceptional Importance.

A. Amendment I of the United States Constitution is absolute when it says

“to petition the Government for redress of grievances”. Because the government has put such a high threshold and cost in allowing these grievances to be heard, criminal acts by a government entities in violation of the basic rights are being ignored despite the majority’s attempt to limit its application to defendants for whom it has been found acceptable by a judge, there is no such limitation in the Amendment itself. Even when significant illegal activities such as mail fraud (complaint #1773989) exist and making false statements to the court exist. As in previous item 12 BASIS FOR MANDAMUS in Count I, it is obvious the township withdrew the arguments by stipulation and now try to use it to exclude everything. This is a Fraud on the court. This is not a defect in jurisdiction, only an interpretation of the Judges of a defect in jurisdiction. From the movie “Miracle on Thirty Fourth Street”, who is the real Santa Claus.

B. Amendment I of the United States Constitution is absolute when it says “CONGRESS SHALL MAKE NO LAW respecting an establishment of religion, or prohibiting the free exercise thereof: The government has a history of persecuting the Amish. East Lampeter Township also has singled out the Amish and been involved in a previous federal lawsuit 97-cv-5034. The religious exemption within Obamacare allows the government to send a swat team to enforce religious practices. The supporting documentation of this is the Writ of Certiorari for case 15-632, prepared by the American Freedom Law Center and Robert Muise. Kinzer Pennsylvania is only a couple of miles from East Lampeter Township.

The history in Circuits highlights the sensitive and contentious nature of this issue. This Court has previously struggled over cases challenging things like the seizure of DNA samples from convicted defendants. In *United States v. Kincade*, 379 F. 3d 813 (9th Cir. 2004), the en banc Court addressed the constitutionality of things such as DNA profiling felons on supervised release for a narrow range of serious “qualifying federal offenses.” Five members of the Court applied the totality of the circumstances test to conclude that DNA profiling of convicted felons on supervision was constitutional. Yet in this case a decision of monumental importance can be decided without even without consideration.

In *Friedman*, this Court held, “The warrantless, suspicionless, forcible extraction of a DNA sample from a private citizen violates the Fourth Amendment.” 568 F.3d at 1130. *Friedman* directly precludes the majority’s holding that the government can constitutionally compel DNA from Mr. Pool. It is axiomatic that a three-judge panel may not overturn Ninth Circuit precedent. *Nichols v. McCormick*, 929 F.2d 507, 510 n.5 (9th Cir. 1991).

This Court considered Mr. *Friedman* a “private citizen” despite the fact that he had previously been convicted of sex offenses and was in custody charged with Because Mr. *Friedman* had previously been convicted and was in

custody, there is no rationale by which he had more Fourth Amendment rights

than Mr. Pool. As in *Friedman*, the search in Mr. Pool’s case is warrantless and

Case: 18-1816 Document: 003113067347 Page: 33 Date Filed: 10/22/2018  
 suspicionless. Further, it is forcible: the government “may use or authorize the use of such means as are reasonably necessary to detain, restrain, and collect a DNA

sample from an individual who refuses to cooperate in the collection of the sample.” 42 U.S.C. § 14135a(a)(4)(A). Mr. Pool’s pretrial liberty would depend on his submission to DNA testing, and he is subject to prosecution and punishment for failing to cooperate. 42 U.S.C. § 14135a(a)(5)(A).

The majority opinion in Pool attempts to distinguish Friedman on the ground that Mr. Pool’s DNA furthers the government’s interest in establishing his identity. Yet, the only “identity” at issue is the attempt to identify Mr. Pool as a suspect in other crimes. The dissenting opinion correctly points out that the burden is on the government to support the search, and that it failed to do so. Pool, at \*70-71, p. 14060.

The majority opinion attempts to distinguish Friedman on the basis that here the “government has probable cause to believe that Pool committed the crime,” but it elides the distinction, also present in Friedman, between cause to arrest someone for any crime, and cause to search someone for evidence of a specific crime. In Friedman, the government had probable cause against the person they wanted to DNA test – he was in custody for new offenses. However, this Court clearly held that despite Friedman’s status as an inmate, a convicted sex offender, and a criminal defendant, the government could not constitutionally DNA test him without a warrant or probable cause. 580 F.3d at 858.

“[A] statute does not trump the Supreme Court’s holdings regarding ‘programmatically’ searches compel this conclusion.” Pool, at \*58, p. 14052. However, the DNA statute does not constitute a “programmatically” search because of its law enforcement purpose. Indianapolis v. Edmond, 531 U.S. 32 (2000) (programmatically search with primary purpose of crime control unconstitutional); cf. Florida v. Wells, 495 U.S. 1, 4 (1990) (inventory search that protects owner’s property, insures against claims of lost, stolen, or vandalized property, and guards police from danger constitutional); Colorado v. Bertine, 479 U.S. 367, 374 n.6 (1987) (same). The panel did not look at any facts in this case because there were no facts to look at. There is no method by which law enforcement or lower courts can reconcile that the cases to can comply with the law. The issue must be resolved by the en banc Court.

## 2. United States v. Scott, 450 F.3d 863 (9<sup>th</sup> Cir. 2006)

In Scott, this Court considered whether the police may conduct a search based on less than probable cause of an individual released while awaiting trial. Scott, 450 F.3d at 864. This Court held that the defendant’s privacy interest was not diminished by his status as a pretrial releasee. Id. at 873-74. The Court stated that the dissent’s inability to see a constitutionally relevant distinction “between someone who has been convicted of a crime and someone who has been merely accused of a crime but is still presumed innocent, overlooks both common sense and our caselaw.” En banc review is merited.



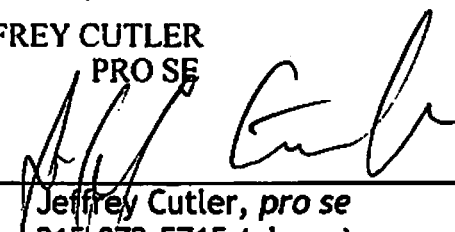
1. The limitation of an elected official to petition the Government for redress of grievances” violates the U.S. Constitution amendment 1.
2. The ability of the United States Government to collect or access penalties FOR FAILURE to comply with established tenets or teachings of such sect or division of ANY religion is in violation of the U.S. Constitution amendment 1
3. Warrantless search or seizure before an individual has been convicted of any crime, is in violation of the U.S. Constitution amendment 4.
4. The prevention of equal treatment in federal court is in violation of the U.S. Constitution amendment 5.
5. The prevention of the right to a jury trial is in violation of the U.S. Constitution amendment 6.
6. The prevention of the ability to call witnesses is in violation of the U.S. Constitution amendment 6.
7. The prevention of a jury trial in a civil matter exceeding a \$ 20.00 fine is in violation of the U.S. Constitution amendment 7.
8. The prevention of equal treatment in state court is in violation of the U.S. Constitution amendment 14.

For the reasons set forth above, we respectfully request that the Court grant this petition for rehearing en banc.

Dated: October 24, 2016

Respectfully submitted,

JEFFREY CUTLER  
PRO SE



24/OCT/2016

---

Jeffrey Cutler, *pro se*  
215-872-5715 (phone)  
[eltaxcollector@gmail.com](mailto:eltaxcollector@gmail.com)  
P.O. Box 2806  
York, PA 17405

CIRCUIT RULES 35-4(a) AND 40-1(a)

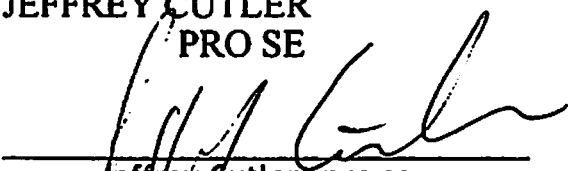
FOR CASE NO. 16-3164

This brief complies with the type-volume limitation of Fed. R. App. P. 35(b)(2) and Circuit Rule 40-1 because this brief contains no more than 15 pages, excluding the parts of the brief exempted by Fed. R. App. P. 32.

Dated: October 24, 2016

Respectfully submitted,

JEFFREY CUTLER  
PRO SE

  
\_\_\_\_\_  
Jeffrey Cutler, pro se  
215-872-5715 (phone)  
[eltaxcollector@gmail.com](mailto:eltaxcollector@gmail.com)  
P.O. Box 2806  
York, PA 17405

24 OCT 2016

Defendant-Appellant

CLD-003

October 6, 2016

**UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

C.A. No. 16-3164

EAST LAMPETER TOWNSHIP

VS.

JEFFREY CUTLER, Appellant

(M.D. Pa. Civ. No. 16-cv-1159)

Present: FISHER, SHWARTZ and BARRY, Circuit Judges

Submitted is

- 1) By the Clerk for possible dismissal due to a jurisdictional defect;
- 2) Appellant's motion for partial summary judgment;
- 3) Appellee's response to Appellant's motion for partial summary judgment;
- 4) Appellee's motion to dismiss appeal; and
- 5) Appellant's response to Appellee's motion to dismiss appeal

in the above-captioned case.

Respectfully,

Clerk

MMW/ACT/mlr

EAST LAMPETER TOWNSHIP  
VS.

JEFFREY CUTLER, Appellant

C.A. No. 16-3164

Page 2

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ORDER

Appellee's motion to dismiss the appeal is granted, and the foregoing appeal is dismissed for lack of appellate jurisdiction. Appellant appeals from the District Court's orders entered June 16, 2016, remanding this matter to state court, and June 22, 2016, declining to reconsider that ruling. We lack jurisdiction under 28 U.S.C. § 1447(d) to review remand orders that are authorized under 28 U.S.C. § 1447(c)—i.e., those based on a lack of subject matter jurisdiction or on "any defect," meaning a conclusion that removal was not authorized by law. See Powerex Corp. v. Reliant Energy Servs., Inc., 551 U.S. 224, 229-30 (2007); Cook v. Wikler, 320 F.3d 431, 434-35 (3d Cir. 2003). The District Court concluded, on motion from the opposing party, that remand was appropriate because the notice of removal was untimely and venue was improper. The District Court's remand for these reasons was thus based on a "defect" under § 1447(c) and a conclusion that removal was not authorized by law. See Cook, 320 F.3d at 435-36. We also lack jurisdiction over the District Court's order denying reconsideration of the remand order. Agostini v. Piper Aircraft Corp., 729 F.3d 350, 356 (3d Cir. 2013). Appellant's motion for partial summary judgment is denied.

By the Court,

s/Maryanne Trump Barry  
Circuit Judge

Dated: October 13, 2016  
MLR/JK/cc: Susan P. Peipher, Esq.  
Jeffrey Cutler

PO

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

**JILL STEIN and RANDALL  
REITZ**

) *No.: 2:16-cv-06287-PD*

)  
) **Plaintiffs,**

)  
) **v.**

)  
) **PEDRO A. CORTES, et al.**

)  
) **Defendants**

**FILED**

DEC - 5 2016

LUCY V. CHAN, Interim Clerk  
By \_\_\_\_\_ Dep. Clerk

**MOTION TO COMBINE CASES**

NOW COME, Jeffrey Cutler, Plaintiff in a related case requests this case be combined with case 1:16-cv-1159/case 16-3164 to the United States Court of Appeals for the Third Circuit of Pennsylvania which was dismissed on 10NOV2016 for JURISDICTIONAL DEFECT. Both cases involve rigging elections, civil rights violations and a relationship to the President Elect Donald Trump. Jeffrey Cutler is an elected official and resident of Pennsylvania and documented previous organized voter fraud in Pennsylvania. If case 1:16-cv-1159 is flawed because of JURISDICTIONAL DEFECT, then case 2:16-cv-06287-PD is also flawed by JURISDICTIONAL DEFECT. The decision for Case 16-3164 was written by the sister of President Elect Donald Trump. Because of this relationship both cases should be heard together or decided together by the Supreme Court of the United States.

Respectfully submitted:

*Jeffrey Cutler*

By: \_\_\_\_\_

P.O. Box 2806  
York, PA 17405-2806  
(215) 872-5715

06 Nov 2016

Date: 06NOVEMBER2016

18. Local Tax Collection Law requires that "a tax collector shall, with the approval of a taxing district and the tax collector's surety, appoint a deputy tax collector who shall collect and settle taxes during any incapacitation of the tax collector." 72 P.S. § 5511.22.

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21. To date, no deputy tax collector has been appointed by Cutler in violation of the Local Tax Collection Law.

**COUNT III - FAILURE TO KEEP ACCOUNTS AND RECORDS**

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MARCIA M. WALDRON  
CLERK



Jeffrey Cutler  
67 Cambridge Village  
P.O. Box 2806  
York, PA 17405

OFFICE OF THE CLERK  
**UNITED STATES COURT OF APPEALS**  
FOR THE THIRD CIRCUIT  
21400 UNITED STATES COURTHOUSE  
401 MARKET STREET  
PHILADELPHIA, PA 19106-1790  
Website: [www.ca3.uscourts.gov](http://www.ca3.uscourts.gov)

TELEPHONE:  
215-597-2995

July 22, 2016

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Imagine that it is 5 a.m. on a busy morning in April. The sun has not yet risen and you are still in bed, resting and thinking about the laborious day ahead working on your farm. But instead of being awakened by your alarm clock, you are yanked out of bed by a government agent. Imagine your day beginning with an unannounced government raid—two U.S. marshals and a state trooper, storming your farm with a warrant and loaded weapons in hand.

You would no doubt be wondering what you had done wrong, how this abrupt intrusion had come about and why. Yet you would soon learn that you had been the target of a yearlong sting operation conducted by the federal government.

This might sound like the trailer for some upcoming action movie. It is not. It is precisely what happened to Amish farmer Daniel Allgyer.

Daniel Allgyer, his wife, Rachel, and their eight children live in a town called Kinzers in Lancaster County, Pennsylvania. Like most Amish families, they live simple lives while operating their dairy farm, Rainbow Acres Farm. They run a small agricultural business from their farm, where they sell fresh cheese, butter, milk, and produce. You might be wondering what made the seemingly innocent Amish dairy farmer

Allgyer a target worthy of federal search and seizure. Was Mr. Allgyer committing violent crimes? Was he selling drugs from his home? Was he housing criminals?

No, Daniel Allgyer was selling fresh raw milk to hundreds of buyers throughout the Northeast. Amish dairy farms operate under the guidelines of *Ordnung*, a set of rules long accepted and obeyed by the Amish community. The guidelines include certain limitations on everyday living and prohibit or limit the use of power-line electricity, telephones, automobiles, and modern dress. The Amish live their daily lives without many of the modern technological conveniences most Americans have come to rely on. Due to these simple standards of living, it should be no surprise that the dairy products produced by Rainbow Acres Farm were not pasteurized or treated with modern production methods. Their milk was raw.

The raw milk market is a significant one—there are over ten million raw milk consumers in our country. Mr. Allgyer was a very well-known and well-respected dairy farmer throughout the Northeast. Countless people depended on his farm for their dairy. Liz Reitzig began buying raw milk from Allgyer when her daughter was having a hard time digesting pasteurized milk. She became a regular customer of Rainbow Acres Farm, saying, "We like the way they farm, we love their product. It is super-high-quality and they are wonderful. It is just a wonderful arrangement."

But the Food and Drug Administration disagrees—the agency does not think the sale of raw milk is wonderful. In fact, this federal agency has gone to extreme measures to make acquiring this product incredibly difficult.

In 1987, the FDA banned the interstate sale of raw milk.

Since then, the agency has vowed to do everything it can to regulate this business. If it was within the FDA's jurisdiction, the agency would ban the sale of raw milk altogether. "It is the FDA's position that raw milk should never be consumed," said Tamara N. Ward, spokeswoman for the FDA.

There are potential problems if a corporation wanted to distribute raw milk nationally, but these problems don't necessarily apply to family businesses, farms, and co-ops that distribute and share at local, state, and regional levels. No one is saying we should mass-produce raw milk commercially. The FDA fails to recognize this important distinction.

The agency insists on taking a strong stance opposing the sale of raw milk. A stance so strong that the FDA saw fit to spend taxpayer dollars to fund a yearlong sting operation to prosecute an Amish dairy farmer. The food freedom blog [hartkeisonline.com](http://hartkeisonline.com) described Allgyer's operation:

Federal regulators often cite food safety concerns to justify their actions that shut down private enterprises. Let's look at Dan Allgyer's track record. At the time of his farm's closure, he was farming around 100 acres. He provided an impressive range of nutrient dense foods to his club members: raw milk, grass-fed meats, soy-free chickens/eggs to nearly 500 families. *Never, in 6 years, did a club member report a food borne illness from trading directly with Dan* [emphasis added].

According to the ten-page complaint that was filed against Allgyer, the FDA began to investigate Rainbow Acres Farm in late 2009. An investigator located in Baltimore used aliases to

sign up for a Yahoo! user group for Rainbow Acres' customers. The investigator began placing orders for raw milk and would have these orders delivered to a private residence in Maryland.

Because the orders were being sent from the Pennsylvania farm to a residence in Maryland, it became a federal violation and thus—you guessed it—under the jurisdiction of the FDA. This was the plan from the beginning of this sting operation—that by crossing state lines, the distribution of the milk would come under the interstate commerce clause, thus making Daniel Allgyer a lawbreaker. After months of surveillance, investigators visited Rainbow Acres Farm. Allgyer turned them away, telling them they did not have the proper documentation to search his property. This angered the FDA, so they returned two months later, at the crack of dawn, with a warrant and weapons in tow to startle and arrest Mr. Allgyer. Pete Kennedy, president of the Farm-to-Consumer Legal Defense, tells us that "[undercover sting operations] happen quite a bit. It is almost like they treat raw milk as crack. It has happened in a number of states and at the federal level."

During the raid of Rainbow Acres Farm, investigators found coolers labeled "to be delivered" to various towns in Maryland. This raid led to a cease-and-desist order from the FDA. The agency demanded that Allgyer stop selling his dairy products across state lines. But instead of ceasing all business, Allgyer formed a club of sorts. He made customers sign an agreement stating that they supported and understood the operations of his farm and were not trying to entrap the owners, and he qualified all members to become shareholders in the farm's produce, paying only for the farmer's labor. Raw milk advocates hoped this agreement would allow Rainbow Acres to evade the FDA's definition of "commerce," thus tak-

ing the matter out of the federal government's purview altogether. You cannot have commerce with yourself. If you are a part owner in the cow in question, then the commerce clause doesn't apply—you are simply receiving what is already yours.

Not surprisingly, this tactic didn't save Allgyer from the FDA's wrath. The agency filed suit against Rainbow Acres Farm. Judge Lawrence F. Stengel ruled that Allgyer could no longer ship raw milk to other states. Most of Allgyer's customers reside outside Pennsylvania, so due to this court ruling he was required to shut down his farm. Putting Rainbow Acres Farm out of business was the FDA's ultimate goal throughout this entire saga.

This case goes far beyond the debate about the health factors that come with consuming raw milk. This prosecution by the FDA and ruling by Judge Lawrence completely disregards individual liberties. This scenario acts as proof that the FDA now has jurisdiction over private property use. A Rainbow Acres Farm customer describes this outrageous situation, stating his disbelief: "I cannot believe in 2012 our federal government is raiding Amish farmers at gunpoint all over a basic human right to eat natural food. In Maryland they force taxpayers to fund abortions, but God forbid we want to drink the same raw milk that our grandparents and great-grandparents drank."



IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF  
PENNSYLVANIA

JEFFREY CUTLER

) No.: 5:17-cv-05025

Plaintiff,

v.

ALAN SCHNITZER,  
CHAIRMAN THE TRAVELER'S  
COMPANIES INC.

EDWARD MCVEY, THE  
PENNSYLVANIA INSURANCE  
DEPARTMENT

Richard S. MILLS, McElroy,  
Deutsch, Mulvaney, &  
Carpenter, LLP

KIANDRA BAIR, McNEES  
WALLACE & NURICK

SAM JANESH, THE LNP  
MEDIA GROUP

DENNIS STUCKEY,  
LANCASTER COUNTY  
CHAIRMAN

BRIAN HURTER,  
LANCASTER COUNTY  
CONTROLLER

MARK DALTON,  
LANCASTER COUNTY COURT  
ADMINSTRATOR

DAVID BUCKWALTER,  
EAST LAMPETER TOWNSHIP  
CHAIRMAN

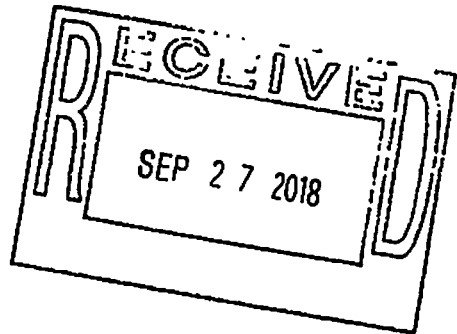
MIKE SHIRK, HIGH INC.  
CHAIRMAN

JUDGE DENISE  
CUMMINS

DISTRICT JUSTICE JUDGE

DAVID ZUILKOSKI,  
CONESTOGA VALLEY SCHOOL  
DISTRICT

Defendants



) JURY TRIAL DEMANDED

**MOTION TO CORRECT RECORD FOR CLERICAL ERRORS AND  
MOTION FOR FINAL JUDGEMENT**

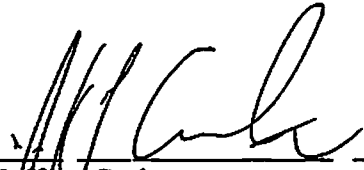
Here comes Jeffrey Cutler, Plaintiff in this case and requests the motion to correct a clerical errors, either accidental or deliberate per action by the clerks office rule 60 (Error Correction). In case 1:17-cv-1740 from the Middle district of Pennsylvania, the case that was transferred to this court, Roy Shirk has been omitted from the official list of defendants even though his name was clearly identified on the original and all subsequent documents. He was properly served in this case via service to his attorney's firm and continues to be listed via their lawyer. Apparently the name was not included in the transfer documents to the Eastern District of Pennsylvania. For case CP-46-CR-003932-2016 in the COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA the clerk's office refused to accept the documents and stamp them. A handwritten note was required and that was time stamped **2018 SEP 20 PM 2:08**. A second attempt at getting the documents introduced on **2018 SEP 25 PM 12:35** was also not successful because of the clerk's actions. The office of Pennsylvania Attorney General by not charging Amber Green Martin has also violated the United States Constitution Amendment 14, by the fact that Amber Green Martin has been violating the law in plain sight in not securing a surety bond until July 18, 2018, in an amount that is significantly less than required by law (the law requires 75% of the amount at risk). The office of Pennsylvania Attorney General is also complicit in aiding and abetting employees of the State of

Helicopter avoid prosecution for murder. Susan Peipher and Christina Hausner were involved in suborning perjury, destroying or concealing evidence, witness tampering, and concealing income or assets. Since the original claim and assignment of tax collection was based on the furtherance of a crime the default judgment should be made final, see documents from the Lancaster Court of Common Pleas case # CI-17-09663 as presented in docket item 31.

Mark A. Katkovcin a Senior Vice President, Consumer Sales Manager at Fulton Bank was responsible for closing Mr. Cutler's account ending in 8603 on or about 18SEP2018, and committing Mail Fraud. Although Mr. Cutler has no formal legal training a blind man could see discrepancies in how the law was being applied and violations of equal protection. Recently in the federal court Rob McCord was sentenced to 30 months in prison and allowed to remain out of prison, yet Seth Williams (the first black DA in Philadelphia) was incarcerated instantly on pleading guilty to one count of bribery until a sentence was imposed. Marvin Mychal Kendricks (case 2:18-cr-00368) was charged with insider trading while Jon Corsine was never criminally charged relating to the MF Global theft of customer money. Bill Cosby was incarcerated right after sentencing, while the FBI (supplied the bomb), elected public and non-elected public officials were never even charged with killing 11 black individuals in Philadelphia just 4 months after the alleged date of Mr. Cosby's alleged crime. The president of the United States is being harassed by

Hillary Clinton made the statement "At this point why does it matter" after 4 people were killed in the embassy in Libya.

Date: 27 Sep 2018



Jeffrey Cutler, *pro se*  
215-872-5715 (phone)  
[eltaxcollector@gmail.com](mailto:eltaxcollector@gmail.com)  
P.O. Box 2806  
York, PA 17405

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

<b>JEFFREY CUTLER</b>	)	<i>No.: 5:17-cv-05025</i>
	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>ALAN SCHNITZER,</b>	)	
<b>CHAIRMAN THE TRAVELER'S</b>	)	
<b>COMPANIES INC.</b>	)	
<b>EDWARD MCVEY, THE</b>	)	
<b>PENNSYLVANIA INSURANCE</b>	)	
<b>DEPARTMENT</b>	)	
<b>Richard S. MILLS, McElroy,</b>	)	
<b>Deutsch, Mulvaney, &amp;</b>	)	
<b>Carpenter, LLP</b>	)	
<b>KIANDRA BAIR, McNEES</b>	)	
<b>WALLACE &amp; NURICK</b>	)	
<b>SAM JANESH, THE LNP</b>	)	
<b>MEDIA GROUP</b>	)	
<b>DENNIS STUCKEY,</b>	)	
<b>LANCASTER COUNTY</b>	)	
<b>CHAIRMAN</b>	)	
<b>BRIAN HURTER,</b>	)	
<b>LANCASTER COUNTY</b>	)	
<b>CONTROLLER</b>	)	
<b>MARK DALTON,</b>	)	<b>JURY TRIAL DEMANDED</b>
<b>LANCASTER COUNTY COURT</b>	)	
<b>ADMINSTRATOR</b>	)	
<b>DAVID BUCKWALTER,</b>	)	
<b>EAST LAMPETER TOWNSHIP</b>	)	
<b>CHAIRMAN</b>	)	
<b>MIKE SHIRK, HIGH INC.</b>	)	
<b>CHAIRMAN</b>	)	
<b>JUDGE DENISE</b>	)	
<b>CUMMINS</b>	)	
<b>DISTRICT JUSTICE JUDGE</b>	)	
<b>DAVID ZUILKOSKI,</b>	)	
<b>CONESTOGA VALLEY SCHOOL</b>	)	
<b>DISTRICT</b>	)	
	)	
<b>Defendants</b>	)	

**PLAINTIFF'S PROPOSED ORDER FOR FINAL DEFAULT JUDGMENT**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2018 upon consideration Plaintiff's Motion for Default Judgment and for good cause shown, it is hereby ORDERED the Motion is GRANTED. SO ORDERED.

- a. Order the Default Judgment against all defendants be granted and made FINAL at one million dollars per day
- b. Order the order of Judge Margret Miller made March 17, 2017 against Jeffrey Cutler vacated, the order by Judge Margaret Miller against Jammaal Harris vacated and order by Judge Lawrence Stengel against Lisa Michelle Lambert vacated and all persons similarly situated such as William Henry Cosby.
- c. Order the summary judgment of all other cases filed by Mr. Cutler in every court also be granted.
- d. Order all vandalism perpetrated against Mr Cutler to be compensated, and listed
- e. Provide documentation to the court of how much all court costs and legal fees have been to date, and list cost or legal hours and ALL LEGAL FIRMS used to try to change the outcome of a certified election in all future actions with the court by East Lampeter Township Lancaster County Legal fee documentation should start with the actions of the solicitor on and East Lampeter Township starting in 05NOV2013
- f. Order East Lampeter Township to reveal all persons or individuals that have expressed interest in this case, especially any officials of the United States Government, and all payments by any George Soros organization.
- g. Order a one million dollar a day penalty per named defendant, until Mr Cutler's reputation and credit are restored or individual agreements are reached with each party.
- h. Bar all Pennsylvania judges from submitting remedies which knowingly violate the Pennsylvania constitution, and their OATH OF OFFICE TO DEFEND THE PENNSYLVANIA CONSTITUTION
- i. Declare executive ORDER 9066 UNCONSTITUTIONAL
- j. Bar the review, and distribution, of documents seized 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
- k. Order Susan Peipher Esquire, East Lampeter Township, Lancaster County Courts and unnamed others show cause why they should not be charged with violations of the RICCO ACT, both 18 U S C §§ 1961-1968 RICO violations, and 18 U.S.C § 1964, Civil RICCO Act
- l. Order Susan Peipher Esquire, Christina Hausner, East Lampeter Township, East Lampeter Township Police, Lancaster County Courts, Ralph Hutchinson, Judge Margaret Miller, Scott Martin, Elam Herr, Mark Katkovicin, all named defendants in this case and unnamed others show cause why they should not be charged with violations of 18 U S C § 2113 (bank robbery)
- m. Order Fulton Financial to return all money for accounts ending with 8603 and 8612 with penalties
- n. Order Fulton Financial to compensate the plaintiffs for cases 5 18-cv-00987 and case 2 17-cv-02763 as demanded in their respective lawsuits

- o. Other remedies the court deems appropriate  
Case: 18-1816 Document: 003113067347 Page: 48 Date Filed: 10/22/2018
- p. Order the Democratic National Committee to also show why they are not a party to Religious discrimination.
- q. Order Susan Peipher Esquire, to be barred from participation in the Federal Court CM/ECF system.
- r. Order Robert Mueller to Cease and Desist any further prosecutions until the activities can be verified as not violating equal protection, just like the email Mr Cutler received from the FBI on January 30, 2017 about reporting crimes of Bank and Insurance fraud
- s. Order the United States Government to stop collecting or accessing penalties **FOR FAILURE** to *comply with established tenets or teachings of such sect or division of ANY religion* In violation of the U.S. Constitution amendment 1 and declare the ACA unconstitutional , based on the 89 page writ of USCA case 17-2709 on page 314A.

Dated: \_\_ , 2018 \_\_

\_\_\_\_\_  
BY THE COURT

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

JEFFREY CUTLER, EAST  
LAMPETER ELECTED TAX  
COLLECTOR

) No.:

1:17-cv-1740

Plaintiff,

v.

ALAN SCHNITZER,  
CHAIRMAN THE TRAVELER'S  
COMPANIES INC.

EDWARD MCVEY, THE  
PENNSYLVANIA INSURANCE  
DEPARTMENT

Richard S. MILLS, McElroy,  
Deutsch, Mulvaney, &  
Carpenter, LLP

KIANDRA BAIR, McNEES  
WALLACE & NURICK

SAM JANESH, THE LNP  
MEDIA GROUP

DENNIS STUCKEY,  
LANCASTER COUNTY  
CHAIRMAN

BRIAN HURTER,  
LANCASTER COUNTY  
CONTROLLER

MARK DALTON,  
LANCASTER COUNTY COURT  
ADMINISTRATOR

DAVID BUCKWALTER,  
EAST LAMPETER TOWNSHIP  
CHAIRMAN

MIKE SHIRK, HIGH INC.  
CHAIRMAN

DAVID BUCKWALTER,  
EAST LAMPETER TOWNSHIP  
CHAIRMAN

DAVID ZUILKOSKI,  
CONESTOGA VALLEY SCHOOL  
DISTRICT

*DENNISE COMBINS*  
Defendants

) *FRAUD ON THE COURT*

**& MOTION FOR SUMMARY JUDGEMENT**

**FILED**  
HARRISBURG, PA

SEP 26 2017

*JL*

*JURY TRIAL  
REQUESTED*

NOW COME, Jeffrey Cutler, Plaintiff in this case and related state court cases  
numbered CI-16-09640 and MJ-02302-LT-0000158-2016 which are characterized as landlord  
tenant dispute, but in reality are attempts at OBSTRUCTION OF JUSTICE and



Michelle Lambert for life and the possible murder of federal prosecutor Jonathan Luna, who may have been part of a vetting process. Mr. Cutler is the elected tax collector of East Lampeter Township, and has endured significant harassment since getting elected in November 2013. He discovered that individuals within Lancaster County had conspired to send out fraudulent real estate tax assessments to the approximate 190,000 property owners of Lancaster County. He also was subject to fraudulent Municipal Liens, by East Lampeter Township (David Buckwalter) and Lancaster County (Dennis Stuckey). This benefits High Inc. and LNP media group which are partners in several real estate projects. Mr. Mills stated by phone that to Mr. Cutler that "he new the claims were false and he did not care because he got paid \$ 500.00 per hour and over \$ 250,000.00 by the democratic party. This statement shows he was not representing Travelers Insurance exclusively but others and failed to make the proper notice of appearance. Mr. Cutler believes he has been under surveillance by the FBI and others and that phone call was recorded. LNP media group is providing unreported campaign contributions in the form of negative reporting about Mr. Cutler, even though they have records of the case. This is the same crime Senator Menendez is presently be tried in New Jersey. High Inc., East Lampeter Township and others have made tried to cover-up crimes of perjury, false verification, and potentially murder. The eviction I because the parties have conspired to file false documents and make false statements by mail. In case Number 4051 CD 2017 lawyers have made by mail and other false statements to try and dismiss the case. Because of conspiracy among parties, perjury and fraud on the court this case should be awarded Summary Judgement.

Respectfully submitted:

*Jeffrey Cutler*

P.O. Box 2806  
York, PA 17405-2806  
(215) 872-5715

Date: 26SEP2017

CLOSED,HBG,PROSE,REOPEN

**United States District Court  
Middle District of Pennsylvania (Harrisburg)  
CIVIL DOCKET FOR CASE #: 1:17-cv-01740-SHR**

Cutler v. Schnitzer et al  
Assigned to: Honorable Sylvia H. Rambo  
Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 09/26/2017  
Date Terminated: 11/06/2017  
Jury Demand: Plaintiff  
Nature of Suit: 370 Other Fraud  
Jurisdiction: Federal Question

**Plaintiff**

**Jeffrey Cutler**

represented by **Jeffrey Cutler**  
67 Cambridge Village  
P.O. Box 2806  
York, PA 17405  
PRO SE

V.

**Defendant**

**Alan Schnitzer**  
*Chairman The Traveler's Companies  
Inc.*

**Defendant**

**Edward McVey**  
*Pennsylvania Insurance Department*

**Defendant**

**Richard S. Mills**  
*McElroy, Deutsch, Mulvaney, &  
Carpenter, LLP*

**Defendant**

**Kiandra Bair**  
*McNees, Wallace & Nurick*

**Defendant**

**Sam Janesh**  
*The LNP Media Group*

**Defendant**

**Dennis Stuckey**  
*Lancaster County Chairman*

**Defendant**

**Brian Hurter**  
*Lancaster County Controller*

**Defendant**

**Mark Dalton**  
*Lancaster County Court Administrator*

**Defendant**

**David Buckwalter**  
*East Lampeter Township Chairman*

**Defendant**

**David Zuilkoski**  
*Conestoga Valley School District*

**Defendant**

**Dennise Commins**

Date Filed	#	Docket Text
09/26/2017	<u>1</u>	COMPLAINT for FRAUD ON THE COURT AND MOTION FOR SUMMARY JUDGMENT against All Defendants ( Filing fee \$400, Receipt Number 111021082) filed by Jeffrey Cutler. (Attachments: # <u>1</u> Exhibit(s), # <u>2</u> Civil Cover Sheet, # <u>3</u> Proposed Order)(ve) (Entered: 09/26/2017)
09/26/2017	<u>2</u>	Summons Issued as to All Defendants and provided TO PLAINTIFF VIA U.S. MAIL for service on Defendant(s)in the manner prescribed by Rule 4 of the Federal Rules of Civil Procedure. (ve) (Entered: 09/26/2017)
09/26/2017	<u>3</u>	PRO SE LETTER ISSUED w/ Notice & Consent Form. (ve) (Entered: 09/26/2017)
09/26/2017	<u>4</u>	STANDING PRACTICE ORDER informing the parties of their briefing and other responsibilities. Signed by Honorable Sylvia H. Rambo on 9/26/2017. (ve) (Entered: 09/26/2017)
09/27/2017	<u>5</u>	ORDER DISMISSING CASESigned by Honorable Sylvia H. Rambo on 9/27/17. (ma) (Entered: 09/27/2017)
09/27/2017		Receipt of payment from JEFFREY S CUTLER in the amount of \$400.00 for CIVIL FILING FEE. Transaction posted on 9/26/2017. Receipt number 111021082 processed by aarlidge. (jjs, ) (Entered: 09/27/2017)
10/27/2017	<u>6</u>	MOTION for Reconsideration re <u>5</u> Order Dismissing Case by Jeffrey Cutler.(ve) (Entered: 10/27/2017)
11/06/2017	<u>7</u>	ORDER: Pltfs mtn for reconsideration <u>6</u> is GRANTED in that this matter shall be transferred to the ED of Pennsylvania. Signed by Honorable Sylvia H. Rambo on 11/6/17. (ma) (Entered: 11/06/2017)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
11/07/2017 12:13:44			
<b>PACER Login:</b>	ue0496:4286791:0	<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1:17-cv-01740-SHR
<b>Billable Pages:</b>	2	<b>Cost:</b>	0.20



**Fw: Case ready for transfer**  
InterDistrictTransfer PAED to: Steve Tomas  
Sent by: Nicole D'urso

11/06/2017 03:34 PM

From: InterDistrictTransfer PAED/PAED/03/USCOURTS  
To: Steve Tomas/PAED/03/USCOURTS@USCOURTS  
Sent by: Nicole D'urso/PAED/03/USCOURTS

--- Forwarded by Nicole D'urso/PAED/03/USCOURTS on 11/06/2017 03:33 PM ---

From: PAMDEfilingstat@pamd.uscourts.gov  
To: InterdistrictTransfer\_PAED@paed.uscourts.gov  
Date: 11/06/2017 12:40 PM  
Subject: Case ready for transfer

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CASE: 1:17-cv-01740  
Title : Cutler v. Schnitzer et al  
NOS : 370 (Other Fraud)  
Cause : 28:1331cv (28:1331 Federal Question: Other Civil Rights)  
Remarks: Motion for Reconsideration Granted.

REASON: Case is ready for transfer from Middle District of Pennsylvania.

DETAILS: Copy and paste this URL into the Prepare Transferred Case program.

//ecf.pamd.circ3.dcn/cgi-bin/TransferDataFile.pl?file=./paed/pamd\_117cv01740\_t  
ar.gz&checksum=26452&fileSize=6438321

KANE, PUGH, KNOELL, TROY & KRAMER LLP  
BY: PAUL C. TROY, ESQUIRE  
ATTORNEY I.D. NO. 60875  
510 SWEDE STREET  
NORRISTOWN, PA19401  
(610) 275-2000

Attorney for Defendant  
Kiandra Bair, Esquire

---

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JEFFREY CUTLER

v.

NO. 17-cv-05025

ALAN SCHNITZER; EDWARD MCVEY;  
RICHARD S. MILLS; KIANDRA BAIR;  
SAM JANESH; DENNIS STUCKNEY;  
BRIAN HURTER; MARK DALTON;  
DAVID BUCKWALTER; MIKE SHIRK;  
DAVID ZUILKOSKO; and DENNISE COMMINS :

---

**DEFENDANT, KIANDRA BAIR, ESQUIRE'S RESPONSE IN OPPOSITION TO  
PLAINTIFF'S MOTION TO COMBINE CASES WITH CASE 5:18-cv-00987,  
2:17-cv-02763 AND FINAL JUDGMENT**

Plaintiff has filed a Motion to Consolidate this action with two other actions, namely Dally et al. v. Lafayette Ambassador Bank, 5:18-cv-00987, and Robbins v. Fulton Bank., N.A., 2:17-cv-02763, but has failed to articulate any common question of law or fact that would warrant the consolidation of these actions as they do not involve any discernable common questions of law or fact.

Federal Rule of Civil Procedure 42 governs the consolidation of actions. It states in pertinent part:

- (a) Consolidation. If actions before the court involve a common question of law or fact, the court may:
  - (1) join for hearing or trial any or all matters at issue in the actions;
  - (2) consolidate the actions; or
  - (3) issue any other orders to avoid unnecessary cost or delay.

F.R.C.P. 42(a). As the moving party, Plaintiff bears the burden of proof. *See State Farm Fire & Cas. Co. v. Spector*, No. 15-6752, 2016 U.S. Dist. LEXIS 153942, at \*24 (E.P. Pa. Nov. 4, 2016) (citing *McLenaghan v. Turi*, No. 11-2761, 2011 U.S. Dist. LEXIS 105476, 2011 WL 4346339, at \*1 (E.D. Pa. Nov. 20, 2002).

Although Plaintiff has asked this Court to consider consolidating these two actions to the instant matter, he has failed to articulate any common question of law or fact that would justify the consolidation. The exhibits attached to his motion have nothing to do with the two actions he wants consolidated with this matter. His motion does not address in any fashion what facts or law may be in common between this action and the two actions he wishes to consolidate. Plaintiff does nothing more than state the case name and the docket number. Further, a review of the dockets in the dockets in the two cases Plaintiff asks this Court to consolidate does not reveal common issues of fact or law. It should also be noted that Plaintiff only served the defendants in this action with a copy of his motion requesting consolidation and not the parties of the other two actions.

Plaintiff has failed to articulate, much less meet, the threshold requirement for this Court to even consider consolidation. "Whether a common question of law or fact exists is the threshold requirement for determining whether consolidate is permissible. Although the court has broad discretion in deciding whether consolidate is appropriate, it must balance the potential for prejudice, expense, or confusion against the benefits of judicial economy." *Id.* at \*24-25 (citations omitted).

Plaintiff has failed to provide this Court with any basis whatsoever to consolidate these two actions. Accordingly, Defendant, Kiandra Bair, Esquire, respectfully requests that this Honorable



Court deny Plaintiff's Motion to Combine Cases With Case 5:18-cv-00987, 2:17-cv-02763 And  
Final Judgment.

Respectfully submitted,

**KANE, PUGH, KNOELL, TROY & KRAMER, LLP**

BY: /s/ Paul C. Troy, Esquire  
PAUL C. TROY, ESQUIRE  
Attorney for Defendant,  
Kiandra Bair, Esquire

KANE, PUGH, KNOELL, TROY & KRAMER LLP  
BY: PAUL C. TROY, ESQUIRE  
ATTORNEY I.D. NO. 60875  
510 SWEDE STREET  
NORRISTOWN, PA19401  
(610) 275-2000

Attorney for Defendant  
Kiandra Bair, Esquire

---

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JEFFREY CUTLER :  
v. : NO. 17-cv-05025  
ALAN SCHNITZER; EDWARD MCVEY; :  
RICHARD S. MILLS; KIANDRA BAIR; :  
SAM JANESH; DENNIS STUCKNEY; :  
BRIAN HURTER; MARK DALTON; :  
DAVID BUCKWALTER; MIKE SHIRK; :  
DAVID ZUILKOSKO; and DENNISE COMMINS :

---

**CERTIFICATE OF SERVICE**

I, Paul C. Troy, Esquire, hereby certify that a true and correct copy of Defendant, Kiandra Bair, Esquire's Response in Opposition to Plaintiff's Motion to Combine Cases with Case 5:18-cv-00987, 2:17-cv-02763 and Final Judgment has been filed with the Court and served on all counsel via e-filing and regular mail on August 29, 2018.

Jeffrey Cutler (pro se)  
67 Cambridge Village  
P.O. Box 2806  
York, PA 17405

Richard S. Mills, Esquire (pro se)  
Emily A. Cathcart, Esquire  
McElroy, Deutsch, Mulvaney & Carpenter, LLP  
225 Liberty Street, 36<sup>th</sup> Floor  
New York, NY 10281

Nathan P. Heller, Esquire  
DLA Piper, LLP  
One Liberty Place  
1650 Market Street, Suite 4900  
Philadelphia, PA 19103

Susan P. Peipher, Esquire  
Blakinger Thomas Law Firm  
28 Penn Square  
Lancaster, PA 17603

Christina L. Hausner, Esquire  
Lancaster County Solicitor  
150 N. Queen Street, Suite 714  
Lancaster, PA 17603

Jeffrey D. Litts, Enquire  
Kegel, Kelin, Almy & Lord, LLP  
24 North Lime Street  
Lancaster, PA 17602

Josh Shapiro, Attorney General  
Office of the Attorney General  
1600 Arch St, Suite 3000  
Philadelphia PA, 19103

**KANE, PUGH, KNOELL, TROY & KRAMER, LLP**

BY: /s/ Paul C. Troy, Esquire  
PAUL C. TROY, ESQUIRE  
Attorney for Defendant,  
Kiandra Bair, Esquire

POCKET CP-46-CR-003932

COMMONWEALTH OF PENNSYLVANIA  
PLAINTIFF

v.

WILLIAM HENRY COSBY, Jr

DEFENDANT

TO THE HONORABLE JUDGE O'NEIL

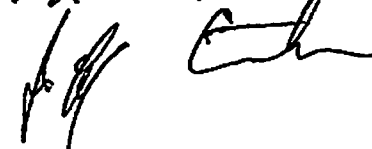
REQUEST FOR APPROVAL TO EXERCISE  
MY FIRST AMENDMENT RIGHT TO PETITION THE  
COURT TO ALLOW DOCUMENTS TO BE FILED.

DENIAL WILL BE A VIOLATION OF THE FIRST  
AMENDMENT OF THE UNITED STATES CONSTITUTION  
ARTICLE I.

20 SEP 2018

Respectfully Submitted

Sherry Caylor



215-872-5715

eltakcollecta@gmail.com

CLERK OF COURTS  
OFFICE  
MONTGOMERY COUNTY  
PENNA.

2018 SEP 20 PM 2:08

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA

:

Plaintiff

:

DOCKET NO. CP-46-CR-003932-2016

v.

:

:

WILLIAM HENRY COSBY, Jr.

Defendant

:

:

:

JURY TRIAL DEMANDED

**NOTICE OF CASE REMOVAL TO FEDERAL COURT**

TO THE CLERK OF THE COMMON PLEAS COURT OF MONTGOMERY COUNTY

Un-named Defendant Jeffrey Cutler Identified this case as part of his case in

Federal court on March 9, 2017 case # 2:17-cv-00984. The case is now before the UNITED

STATES COURT OF APPEALS FOR THE THIRD CIRCUIT.

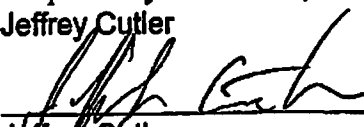
It is identified as Cases 17-2709, 18-1816 plus OFFICE OF CIVIL RIGHTS 03182428/2429

To the Clerk of the Common Pleas Court of Montgomery County, Pennsylvania, the

aforementioned state court proceeding shall proceed no further unless this

case is settled by the UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT.

Respectfully Submitted,  
Jeffrey Cutler



Jeffrey Cutler, pro se  
215-872-5715 (phone)  
[eltaxcollector@gmail.com](mailto:eltaxcollector@gmail.com)  
P.O. BOX 2806  
YORK, PA 17405

Date: 20 SEP 2018

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

COMMONWEALTH OF  
PENNSYLVANIA

) DOCKET NO. CP-46-CR-003932-2016

)

)

)

Plaintiff,

)

v.

)

WILLIAM HENRY COSBY,  
Jr

)

) JURY TRIAL REQUESTED

)

Defendant

)

**CERTIFICATE OF SERVICE**

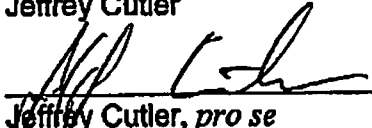
I Jeffrey Cutler, do hereby certify that I by this day served a copy of documents filed on 20SEPTEMBER2018 to ALL PARTIES upon the following or by directly serving to lawyers of record via U.S. mail, postage prepaid, addressed as follows or email to all individuals.

JOESPH PATRICK GREEN, Jr.  
138 W GAY STREET  
WEST CHESTER, PA 19380-2915

MONTGOMERY COUNTY DA  
P.O. BOX 311  
NORRISTOWN, PA 19404-0311

Respectfully Submitted,  
Jeffrey Cutler

Date: 20 SEP 2018

  
\_\_\_\_\_  
Jeffrey Cutler, pro se  
215-872-5715 (phone)  
[eltaxcollector@gmail.com](mailto:eltaxcollector@gmail.com)  
P.O. BOX 2806  
YORK, PA 17405

**NOTICE OF DESIGNATION OF RELATED CIVIL CASES PENDING  
 IN THIS OR ANY OTHER UNITED STATES COURT**

Civil Action No. \_\_\_\_\_  
 (To be supplied by the Clerk)

**NOTICE TO PARTIES:**

Pursuant to Rule 40.5(b)(2), you are required to prepare and submit this form at the time of filing any civil action which is related to any pending cases or which involves the same parties and relates to the same subject matter of any dismissed related cases. This form must be prepared in sufficient quantity to provide one copy for the Clerk's records, one copy for the Judge to whom the cases is assigned and one copy for each defendant, so that you must prepare 3 copies for a one defendant case, 4 copies for a two defendant case, etc.

**NOTICE TO ALL COUNSEL**

Rule 40.5(b)(3) of this Court requires that as soon as an attorney for a party becomes aware of the existence of a related case or cases, such attorney shall immediately notify, in writing, the Judges on whose calendars the cases appear and shall serve such notice on counsel for all other parties.

The plaintiff, defendant or counsel must complete the following.

**1. RELATIONSHIP OF NEW CASE TO PENDING RELATED CASE(S)**

A new case is deemed related to a case pending in this or another U.S. Court if the new case: [Check appropriate box(es) below.]

- (a) relates to common property
- (b) involves common issues of fact
- (c) grows out of the same event or transaction
- (d) involves the validity or infringement of the same patent
- (e) is filed by pro se litigant

**2. RELATIONSHIP OF NEW CASE TO DISMISSED RELATED CASE(ES)**

A new case is deemed related to a case dismissed, with or without prejudice, in this or any other U.S. Court, if the new case involves the same parties and same subject matter.

Check box if new case is related to a dismissed case:

**3. NAME THE UNITED STATES COURT IN WHICH THE RELATED CASE IS FILED (IF OTHER THAN THIS COURT):**

LANCASTER & MONTGOMERY COUNTY COURT OF COMMON PLEAS

**4. CAPTION AND CASE NUMBER OF RELATED CASE(S). IF MORE ROOM IS NEED PLEASE USE OTHER SIDE.**

<u>HARRIS</u>	v.	<u>LANCASTER COUNTY COURT OF COMMON PLEAS</u>	C.A. No. <u>18-CV-04100</u>
<u>COMMONWEALTH</u>	v.	<u>WILLIAM HENRY COSBY, JR.</u>	C.A. No. <u>18-CV-001133018</u>
<u>JUANITA WAY</u>	v.	<u>ASPIRA OF PENNSYLVANIA</u>	C.A. No. <u>17-cv-80578</u>
<u>KANN</u>	v.	<u>ESHELEMAN, et al.</u>	C.A. No. <u>17-CV-00455</u>
<u>TRANSCONTINENTAL GAS PIPELINE</u>	v.	<u>KANN, et al.</u>	C.A. No. <u>17-CV-80776</u>
<u>BOWMAN, et al.</u>	v.	<u>BROWN, et al.</u>	C.A. No. <u>17-002210</u>

09MAR2017  
 DATE

  
 Signature of Plaintiff/Defendant (or counsel)

CONSPIRACY TO COMMIT BANK & INSURANCE FRAUD

- 2 Jeffrey Cutler To All: Attached is a TAX cert and page 2 of 14 from... Jan 30 ☆
- 2 Milligan, Joseph A. (PH) (FBI) <Joseph.Milligan@ic.fbi> Jan 30 ☆

Mr. Cutler,

Cease and desist adding myself and ADA McDermott to any more of your emails regarding this matter. Special Agent Milligan

From: Jeffrey Cutler [mailto:eltaxcollector@gmail.com]  
 Sent: Sunday, January 29, 2017 11:40 PM  
 To: Murray, John <John.Murray@ic.fbi>;  
 DAN MCDERMOTT <dmcdermott@ic.fbi>; Dave Brown  
 <davebrown@ic.fbi>; Milligan, Joseph A. (PH) (FBI)  
 <Joseph.Milligan@ic.fbi>  
 SUBJECT: CONSPIRACY TO COMMIT BANK & INSURANCE FRAUD

- 2 Jeffrey Cutler <eltaxcollector@gmail.com> Jan 30 ☆

To All;

See the message below. I am involved with a bunch of people that are  
**ANTI JEWISH**. They are trying to get me up to be accused of **THEFT**. They have  
 conspired to delete payment information and try and blame me for stealing. They  
 are all **CONSPIRACY**. The FBI does not want to help. They suggested (EBI) I get a  
 lawyer. They just want claim the **JEW IS A THIEF**

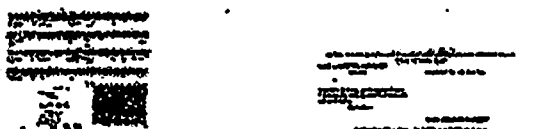
Jeff Cutler

717-654-4718  
 215-672-5718

...

717-654-4718

3 Attachments



VALIDATION\_ERR...

ELSENT\_Stop\_of...

Support Court.doc

W SUPCOURT.doc

- 2 Devon Jacob Jeffrey, do not contact me again for any reason. If you do Jan 30 ☆
- 2 Jeffrey Cutler Lonnie... No Friends Jeff Cutler Jan 30 ☆
- 2 Jeffrey Cutler Justin, it must be my breath. Jeff Cutler Jan 30 ☆





Tax Collector  
East Lampeter Township  
2250 Old Philadelphia Pike  
Lancaster, PA 17602

June 28, 2017

Central Penn College  
Attn: Dr. Karen Scofaro  
600 Valley Road  
P.O. Box 309  
Summerdale, PA 17093-0309

**Re: ETHNIC DISCRIMINATION AT CENTRAL PENN COLLEGE**

Dear Karen:

On June 27, 2017, I walked into the office of Central Penn College in Lancaster to inquire about courses being offered in July. I have a degree from Drexel University in Electrical Engineering, but thought I would possibly like to take a course during the summer. I asked about what was being offered. I saw the course list and asked about the nature of some of the courses. There was a course about Homeland Security. I mentioned I had detected hacks on my computer usage from individuals from Finland and Saudi Arabia. I was told the price per credit hour and left the site.

Later that evening I got a call from an officer of the East Lampeter Township police department and told I WILL BE ARRESTED if I enter the site again. I went to the township office and requested a copy of the complaint. They told me it was a Report. They told me I have to file a Right To Know request to get a copy of the Report.

Three of my vehicles have been previously vandalized in East Lampeter Township, and a Swastika was keyed on the side of one vehicle.

Please get back to me ASAP, about this matter. My email address is shawcollector@gmail.com.

I attached 2 documents you may find informative about this and me.

Sincerely,

Jeffrey Cutler  
Tax Collector East Lampeter Township, Pennsylvania

16-7



**EAST LAMPETER TOWNSHIP  
POLICE DEPARTMENT**

2250 Old Philadelphia Pike Lancaster, PA 17603  
Dispatch (717) 664-1190 Toll Free 1-800-937-2577  
Office (717) 291-4678 Fax (717) 291-4621

CHIEF OF POLICE  
John H. Bowman

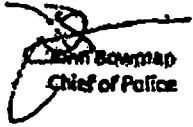
CAPTAIN  
Stephen Zerba

TO: Mr. Jeffrey Cutler  
FR: Chief John Bowman  
SUB: Police Report 1512008399  
Date: February 2, 2016

Dear Mr. Cutler,

In response to your letter dated February 2, 2016, we have added an additional code to original event for Ethnic Intimidation which is the Pennsylvania State for a hate crime.

Best,

  
John Bowman  
Chief of Police



A Pennsylvania Law Enforcement Accredited Agency

Page 2 of 2

2 17-cr-00137 JUNE 29 Page 13 of 41

14JULY2017-REV1 Page 22 of 25

16-4

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF  
PENNSYLVANIA

JEFFREY CUTLER

) No.: 5:17-cv-05025

Plaintiff,

v.

ALAN SCHNITZER,  
CHAIRMAN THE TRAVELER'S  
COMPANIES INC.

EDWARD MCVEY, THE  
PENNSYLVANIA INSURANCE  
DEPARTMENT

Richard S. MILLS, McElroy,  
Deutsch, Mulvaney, &  
Carpenter, LLP

KIANDRA BAIR, McNEES  
WALLACE & NURICK

SAM JANESH, THE LNP  
MEDIA GROUP

DENNIS STUCKEY,  
LANCASTER COUNTY  
CHAIRMAN

BRIAN HURTER,  
LANCASTER COUNTY  
CONTROLLER

MARK DALTON,  
LANCASTER COUNTY COURT  
ADMINSTRATOR

DAVID BUCKWALTER,  
EAST LAMPETER TOWNSHIP  
CHAIRMAN

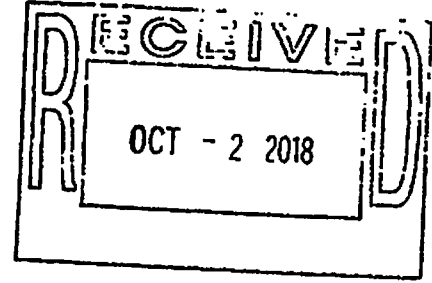
MIKE SHIRK, HIGH INC.  
CHAIRMAN

JUDGE DENISE  
CUMMINS

DISTRICT JUSTICE JUDGE

DAVID ZUILKOSKI,  
CONESTOGA VALLEY SCHOOL  
DISTRICT

Defendants



) JURY TRIAL DEMANDED

ERATTA FOR DOCUMENT OF 9/27/2018

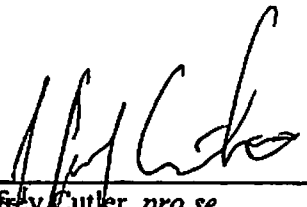
Here comes Jeffrey Cutler, Plaintiff in this case and requests the motion to correct a clerical error, either accidental or deliberate per action by the clerks office rule 60 (Error Correction). In case 1:17-cv-1740 from the Middle district of Pennsylvania, the case that was transferred to this court, ~~Ray~~ MIKE Shirk has been omitted from the official list of defendants even though his name was clearly identified on the original and all subsequent documents. He was properly served in this case via service to his attorney's firm and continues to be listed via their lawyer. Apparently the name was not included in the transfer documents to the Eastern District of Pennsylvania. For case CP-46-CR-003932-2016 in the COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA the clerk's office refused to accept the documents and stamp them. A handwritten note was required and that was time stamped 2018 SEP 20 PM 2:08. A second attempt at getting the documents introduced on 2018 SEP 25 PM 12:35 was also not successful because of the clerk's actions. The office of Pennsylvania Attorney General by not charging Amber Green Martin has also violated the United States Constitution Amendment 14, by the fact that Amber Green Martin has been violating the law in plain sight in not securing a surety bond until July 18, 2016, in an amount that is significantly less than required by law (the law requires 75% of the amount at risk). The office of Pennsylvania Attorney General is also complicit in aiding and abetting employees of the State of

• Pennsylvania that participated in the murder after the fact using a State Police

Helicopter avoid prosecution for murder. Susan Fejnick and Christina Hausner were involved in suborning perjury, destroying or concealing evidence, witness tampering, and concealing income or assets. Since the original claim and assignment of tax collection was based on the furtherance of a crime the default judgment should be made final, see documents from the Lancaster Court of Common Pleas case # CI-17-09663 as presented in docket item 31.

Mark A. Katkovein a Senior Vice President, Consumer Sales Manager at Fulum Bank was responsible for closing Mr. Cutler's account ending in 8603 on or about 18SEP2018, and committing Mail Fraud. Although Mr. Cutler has no formal legal training a blind man could see discrepancies in how the law was being applied and violations of equal protection. Recently in the federal court Rob McCord was sentenced to 30 months in prison and allowed to remain out of prison, yet Seth Williams (the first black DA in Philadelphia) was incarcerated instantly on pleading guilty to one count of bribery until a sentence was imposed. Marvin Mychal Kendricks (case 2:18-cr-00968) was charged with insider trading while Ian Coraine was never criminally charged relating to the MF Global theft of customer money. Bill Cosby was incarcerated right after sentencing, while the FBI (supplied the bomb), elected public and non-elected public officials were never even charged with killing 11 black individuals in Philadelphia just 4 months after the alleged date of Mr. Cosby's alleged crime. The president of the United States is being harassed by

Date: 28 Sep 2018

  
\_\_\_\_\_  
Jeffrey Cutler, *pro se*  
215-872-5715 (phone)  
eltaxcollector@gmail.com  
P.O. Box 2806  
York, PA 17405