

APPEAL,CONSOL,PROSE-NP,TYPE-I

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:16-cv-01053-CRC

CRUMPACKER v. CIRAOLO-KLEPPER et al

Assigned to: Judge Christopher R. Cooper

Cases: [1:16-cv-00420-CRC](#)[1:16-cv-01384-CRC](#)[1:16-cv-01768-CRC](#)[1:16-cv-01458-CRC](#)[1:16-cv-02089-CRC](#)

Case in other court: USCA, 16-05338

USCA, 17-05054

USCA, 17-05191

Cause: 05:552 Freedom of Information Act

Date Filed: 06/06/2016

Date Terminated: 12/31/2016

Jury Demand: None

Nature of Suit: 895 Freedom of
Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff**MARK CRUMPACKER**represented by **MARK CRUMPACKER**
4212 E. Los Angeles Avenue
#4335
Simi Valley, CA 93063
PRO SE

V.

Defendant**CAROLINE CIRAOLO-KLEPPER**represented by **Ryan O'Connor McMonagle**
U.S. DEPARTMENT OF JUSTICE
Tax Division
Ben Franklin Station
P.O. Box 227
Washington, DC 20044
(202) 307-1355
Fax: (202) 514-6866
Email: ryan.mcmonagle@usdoj.gov
*ATTORNEY TO BE NOTICED***Defendant****MICHAEL MARTINEAU**represented by **Ryan O'Connor McMonagle**
(See above for address)
*ATTORNEY TO BE NOTICED***Defendant**

MARK J. LANGER

Defendant

**COMMISSIONER OF THE
INTERNAL REVENUE SERVICE**

represented by **Ryan O'Connor McMonagle**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

**UNITED STATES ATTORNEY
GENERAL**

represented by **Ryan O'Connor McMonagle**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

**2 UNKNOWN-NAMED IRS/DOJ
ATTORNEYS**

Counter Claimant

UNITED STATES OF AMERICA

represented by **Ryan O'Connor McMonagle**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Claimant

**UNITED STATES ATTORNEY
GENERAL**

represented by **Ryan O'Connor McMonagle**
(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

MICHAEL MARTINEAU

represented by **Ryan O'Connor McMonagle**
(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

CAROLINE CIRAOLO-KLEPPER

represented by **Ryan O'Connor McMonagle**
(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

**COMMISSIONER OF THE
INTERNAL REVENUE SERVICE**

represented by **Ryan O'Connor McMonagle**
(See above for address)
ATTORNEY TO BE NOTICED

V.

Counter Defendant

MICHAEL BEALS ELLIS

represented by **MICHAEL BEALS ELLIS**
 5052 N.C. County Road 0220
 Rice, TX 75155
 903-326-6263
 PRO SE

Counter Defendant**ROBERT A. MCNEIL**

represented by **ROBERT A. MCNEIL**
 729 Grapevine Highway
 #148
 Hurst, TX 76054
 713-806-5199
 PRO SE

Counter Defendant**MARK CRUMPACKER****Cross Claimant****MICHAEL BEALS ELLIS****Cross Claimant****MARK CRUMPACKER****Cross Claimant****ROBERT A. MCNEIL**

V.

Cross Defendant**UNITED STATES ATTORNEY
GENERAL**

represented by **Ryan O'Connor McMonagle**
 (See above for address)
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|-------------------|--------------------------|--|
| 06/06/2016 | <u>1</u> | COMPLAINT against 2 UNKNOWN-NAMED IRS/DOJ ATTORNEYS, CAROLINE CIRAULO-KLEPPER, COMMISSIONER OF THE INTERNAL REVENUE SERVICE, MARK J. LANGER, MICHAEL MARTINEAU, UNITED STATES ATTORNEY GENERAL (Filing fee \$ 400, receipt number 4616078245) filed by MARK CRUMPACKER. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Declaration, # <u>3</u> Exhibit)(td) (Entered: 06/07/2016) |
| 06/06/2016 | | SUMMONS (6) Issued as to CAROLINE CIRAULO-KLEPPER, COMMISSIONER OF THE INTERNAL REVENUE SERVICE, MARK J. LANGER, MICHAEL MARTINEAU, UNITED STATES ATTORNEY GENERAL, U.S. Attorney (td) (Entered: 06/07/2016) |

- 06/13/2016 [2](#) ORDER: Advising pro se Plaintiff of his obligations to follow the FRCP, Local Rules and orders of the court, including rules regarding service of process. Failure to adhere to rules and orders can result in dismissal of this action. The Clerk of the Court shall mail a copy of this order to: MARK CRUMPACKER 14933 Daffodil Avenue, Canyon Country, CA 91387. (See order for further details). Signed by Judge Tanya S. Chutkan on 6/13/16. (DJS) (Entered: 06/13/2016)
- 07/20/2016 [3](#) RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 6/16/2016. (Answer due for ALL FEDERAL DEFENDANTS by 7/16/2016.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 6/16/16., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. CAROLINE CIRAOLLO-KLEPPER served on 6/16/2016; COMMISSIONER OF THE INTERNAL REVENUE SERVICE served on 6/15/2016; MARK J. LANGER served on 6/15/2016; MICHAEL MARTINEAU served on 6/15/2016; UNITED STATES ATTORNEY GENERAL served on 6/16/2016 (td) (Entered: 07/25/2016)
- 08/15/2016 [4](#) ANSWER to [1](#) Complaint, , COUNTERCLAIM *For Injunctive Relief* against MARK CRUMPACKER, MICHAEL BEALS ELLIS, ROBERT A. MCNEIL by UNITED STATES ATTORNEY GENERAL, MICHAEL MARTINEAU, CAROLINE CIRAOLLO-KLEPPER, COMMISSIONER OF THE INTERNAL REVENUE SERVICE. (Attachments: # [1](#) Summons to Michael B. Ellis, # [2](#) Summons to Robert A. McNeil)(McMonagle, Ryan) (Entered: 08/15/2016)
- 08/16/2016 [5](#) SUMMONS (2) Issued Electronically as to MICHAEL BEALS ELLIS, ROBERT A. MCNEIL. (td) (Entered: 08/16/2016)
- 08/16/2016 [6](#) CERTIFICATE OF SERVICE by CAROLINE CIRAOLLO-KLEPPER, COMMISSIONER OF THE INTERNAL REVENUE SERVICE, MICHAEL MARTINEAU, UNITED STATES ATTORNEY GENERAL re [4](#) Answer to Complaint, COUNTERCLAIM,, *as to Mark Crumpacker*. (McMonagle, Ryan) (Entered: 08/16/2016)
- 09/08/2016 MINUTE ORDER: Before the Court are a complaint and an answer in this case where the Plaintiff challenges the actions of the Defendant federal Agencies. The requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil procedure appear to be inapplicable. IT IS HEREBY ORDERED that not later than September 30, 2016 the parties shall meet, confer and JOINTLY propose a schedule for proceeding in this matter, including a schedule for Plaintiff to respond to Defendant's counter-claims. A JOINTLY proposed order shall accompany the proposed schedule. The Clerk of the Court shall mail a copy of this order to: MARK CRUMPACKER 14933 Daffodil Avenue, Canyon Country, CA 91387. Signed by Judge Tanya S. Chutkan on 9/8/16. (DJS) Modified on 9/8/2016 (zsm). (Entered: 09/08/2016)
- 09/08/2016 Set/Reset Deadlines: Proposed Briefing Schedule due by 9/30/2016 (zsm) (Entered: 09/08/2016)
- 09/12/2016 [7](#) RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. MICHAEL BEALS ELLIS served on 8/23/2016, answer due 9/13/2016 (McMonagle,

- Ryan) (Entered: 09/12/2016)
- 09/28/2016 [8](#) NOTICE OF RELATED CASE by 2 UNKNOWN-NAMED IRS/DOJ ATTORNEYS, CAROLINE CIRAULO-KLEPPER, COMMISSIONER OF THE INTERNAL REVENUE SERVICE. Case related to Case No. 1:16-cv-0420; 1:16-cv-1384; 1:16-cv-1458; 1:16-cv-1768. (McMonagle, Ryan) (Entered: 09/28/2016)
- 09/30/2016 [9](#) PROPOSED BRIEFING SCHEDULE re Order,, by COMMISSIONER OF THE INTERNAL REVENUE SERVICE. (Attachments: # [1](#) Text of Proposed Order) (McMonagle, Ryan) (Entered: 09/30/2016)
- 09/30/2016 [10](#) MOTION for Summary Judgment by MICHAEL BEALS ELLIS (td) Modified date filed on 10/4/2016 (td). (Entered: 10/04/2016)
- 09/30/2016 [11](#) STATUS REPORT by MICHAEL BEALS ELLIS. (td) Modified on 10/4/2016 (td). (Entered: 10/04/2016)
- 09/30/2016 [12](#) MOTION to Schedule Summary Judgment Responses by MICHAEL BEALS ELLIS (See docket entry no. [11](#) .) (td) Modified on 10/4/2016 (td). (Entered: 10/04/2016)
- 10/03/2016 [13](#) Case directly reassigned to Judge Christopher R. Cooper as related. Judge Tanya S. Chutkan no longer assigned to the case. (ztnr) (Entered: 10/05/2016)
- 10/07/2016 [14](#) MOTION to Dismiss for Lack of Jurisdiction *and Failure to State a Claim (Complaint and Cross-Counterclaim)* by COMMISSIONER OF THE INTERNAL REVENUE SERVICE (Attachments: # [1](#) Memorandum in Support, # [2](#) Text of Proposed Order) (McMonagle, Ryan) (Entered: 10/07/2016)
- 10/14/2016 [15](#) Revised MOTION for Summary Judgment by MARK CRUMPACKER, MICHAEL BEALS ELLIS, ROBERT A. MCNEIL (td) (Entered: 10/17/2016)
- 10/17/2016 [16](#) RESPONSE re [8](#) Notice of Related Case filed by MARK CRUMPACKER. (jf) (Entered: 10/19/2016)
- 10/17/2016 [17](#) MOTION for Recusal of Judge Christopher R. Cooper by MARK CRUMPACKER (jf) (Entered: 10/19/2016)
- 10/21/2016 [18](#) ORDER consolidating and managing related cases. Signed by Judge Christopher R. Cooper on 10/21/2016. (lccrc3) (Entered: 10/21/2016)
- 10/21/2016 MINUTE ORDER denying [17](#) Objection to Consolidation and Motion for Recusal: For the reasons stated in [18](#) Consolidation and Case Management Order, it is hereby ORDERED that this Objection to Consolidation and Motion for Recusal is DENIED. Signed by Judge Christopher R. Cooper on 10/21/2016. (lccrc3) (Entered: 10/21/2016)
- 10/25/2016 [19](#) NOTICE by ROBERT A. MCNEIL (Attachments: # [1](#) Exhibit)(td) (Entered: 10/26/2016)
- 10/25/2016 [20](#) RESPONSE re [14](#) MOTION to Dismiss for Lack of Jurisdiction *and Failure to State a Claim (Complaint and Cross-Counterclaim)* filed by ROBERT A. MCNEIL. (td) (Entered: 10/26/2016)
- 11/04/2016 [21](#) NOTICE OF APPEAL as to Order on Motion for Recusal, (12 in 1:16-cv-01458-CRC) Order, Order on Motion for Recusal, (9 in 1:16-cv-01384-CRC) Order, (12 in 1:16-

cv-01768-CRC) Order, (18 in 1:16-cv-01053-CRC) Order, Order on Motion for Recusal, by WILLIAM B. MCGARVIN, MARK CRUMPACKER, MICHAEL BEALS ELLIS, ROBERT A. MCNEIL, JAMES W. MORRIS, ADELE PODGORNYY. Filing fee \$ 505, receipt number 4616081511. Fee Status: Fee Paid. Parties have been notified. (Attachments: # [1](#) Exhibit Part 2)(td) (Entered: 11/09/2016)

- 11/04/2016 22 MOTION to Stay Filing Order, Pending Mandamus Outcome by WILLIAM B. MCGARVIN, MARK CRUMPACKER, MICHAEL BEALS ELLIS, ROBERT A. MCNEIL, MARK CRUMPACKER, MICHAEL ELLIS, WILLIAM B. MCGARVIN, ROBERT A. MCNEIL, ADELE PODGORNYY, ADELE PODGORNYY (SEE APPEAL FILED 11/4/16 TO VIEW DOCUMENT) (td) (Entered: 11/09/2016)
- 11/09/2016 [23](#) Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. The Court of Appeals fee was paid this date 11/8/16 re [21](#) Notice of Appeal,,. (td) (Entered: 11/09/2016)
- 11/17/2016 USCA Case Number 16-5338 for [21](#) Notice of Appeal, filed by WILLIAM B. MCGARVIN, MICHAEL BEALS ELLIS, MARK CRUMPACKER, ROBERT A. MCNEIL, ADELE PODGORNYY, JAMES W. MORRIS. (zrdj) (Entered: 11/17/2016)
- 12/05/2016 [24](#) ORDER denying 22 Motion to Stay. Signed by Judge Christopher R. Cooper on 12/5/2016. (lccrc3) (Entered: 12/05/2016)
- 12/06/2016 Set/Reset Deadlines: Response to Dispositive Motion [4](#) filed in 16-CV-420 due by 12/16/2016. (zlsj) (Entered: 12/06/2016)
- 12/06/2016 ENTERED IN ERROR.....Set/Reset Deadlines: Response to Dispositive Motion [4](#) filed in 16-CV-420 due by 12/16/2016. (zlsj) Modified on 12/6/2016 (zlsj). (Entered: 12/06/2016)
- 12/31/2016 [25](#) ORDER granting [14](#) Motion to Dismiss for Lack of Jurisdiction. Signed by Judge Christopher R. Cooper on 12/31/2016. (lccrc3) (Entered: 12/31/2016)
- 12/31/2016 MINUTE ORDER finding as moot [10](#) Motion for Summary Judgment. Signed by Judge Christopher R. Cooper on 12/31/2016. (lccrc3) (Entered: 12/31/2016)
- 12/31/2016 MINUTE ORDER finding as moot 12 Motion for Order. Signed by Judge Christopher R. Cooper on 12/31/2016. (lccrc3) (Entered: 12/31/2016)
- 01/23/2017 Notice to Show Cause: Seeing no response to the Defendants' counterclaims, [see Minute Order on 9/8/2016] the Court hereby ORDERS Defendants to show cause in writing by January 30, 2017 why the counterclaims should not be dismissed for want of prosecution. Signed by Judge Christopher R. Cooper on 1/23/2017. (lccrc3) (Entered: 01/23/2017)
- 01/23/2017 Set/Reset Deadlines: Response to Show Cause due by 1/30/2017. (zlsj) (Entered: 01/23/2017)
- 01/26/2017 [26](#) MOTION to Alter Judgment as to Order on Motion for Order, [25](#) Order on Motion to Dismiss/Lack of Jurisdiction, Order on Motion for Summary Judgment by MARK CRUMPACKER (td) (Entered: 01/27/2017)

- 01/30/2017 [27](#) RESPONSE TO ORDER TO SHOW CAUSE by COMMISSIONER OF THE INTERNAL REVENUE SERVICE re Order, . (Attachments: # [1](#) Declaration, # [2](#) Exhibit A)(McMonagle, Ryan) (Entered: 01/30/2017)
- 01/31/2017 MINUTE ORDER: In light of the Government's [27](#) Response to Order to Show cause, the Court will deem the Counterclaim Defendants' Answer (as attached to the Government's response) to have been properly filed as of January 30, 2016. The Court grants the Government leave to file a dispositive motion on its counterclaims by February 28, 2017. Counterclaim Defendants' opposition shall be due on or before March 14, 2017. Any reply shall be due on or before March 21, 2017. So Ordered. Signed by Judge Christopher R. Cooper on 1/31/2017. (lccrc3) (Entered: 01/31/2017)
- 01/31/2017 MINUTE ORDER: Pursuant to Federal Rule of Civil Procedure 59(e), Plaintiff has filed a [26](#) Motion to Alter the Judgment of the Court's [25](#) Order Granting the Government's Motion to Dismiss. The Court has "considerable discretion" in ruling on such a motion. See Piper v. U.S. Dept. of Justice, 312 F. Supp. 2d 17, 20 (D.D.C. 2004). Rule 59(e) motions "need not be granted unless the district court finds that there is an intervening change of controlling law, the availability of new evidence, or the need to correct clear error or manifest injustice." Firestone v. Firestone, 76 F.3d 1205, 1208 (D.C. Cir. 1996). Having carefully reviewed Plaintiff's motion, the Court finds that none of these circumstances are present here. Plaintiff fails to identify any changes in law or present new evidence. And while Plaintiff makes conclusory statements about the injustice of the Court's Order, the Motion does not address the Order's reasoning: The Anti-Injunction Act prohibits federal courts from maintaining any suit for the purpose of restraining the assessment or collection of any tax, even if Plaintiffs "couch[] [their complaints] in terms of stopping a criminal fraud." Dwaileebe v. Martineau, et al., 16-cv-420 (D.D.C. Dec. 31, 2016) (quoting Ellis v. Comm'r, 67 F. Supp. 3d 325, 332-33 (D.D.C. 2014)). Accordingly, it is hereby ORDERED that Plaintiff's [26](#) Motion to Alter the Judgment is hereby DENIED. Signed by Judge Christopher R. Cooper on 1/31/2017. (lccrc3) (Entered: 01/31/2017)
- 01/31/2017 [28](#) Supplemental Record on Appeal transmitted to US Court of Appeals re Minute Order on Motion to Alter Judgment; USCA Case Number 16-5338. (jf) (Entered: 01/31/2017)
- 02/15/2017 [29](#) MANDATE of USCA as to (13 in 1:16-cv-01768-CRC, 16 in 1:16-cv-01458-CRC, 10 in 1:16-cv-01384-CRC, 21 in 1:16-cv-01053-CRC) Notice of Appeal,, filed by WILLIAM B. MCGARVIN, MICHAEL BEALS ELLIS, MARK CRUMPACKER, ROBERT A. MCNEIL, ADELE PODGORNY, JAMES W. MORRIS, (13 in 1:16-cv-00420-CRC) Notice of Appeal, filed by WILLIAM B. MCGARVIN, MARK CRUMPACKER, ROBERT A. MCNEIL, ADELE PODGORNY, JAMES W. MORRIS, GARY DWAILEEBE, MICHAEL ELLIS. USCA Case Number 16-5334 Consolidated with 16-5335, 16-5336, 16-5337, 16-5338. (Attachments: # [1](#) order filed February 15, 2017)(zrdj) (Entered: 02/15/2017)
- 02/28/2017 [30](#) MOTION for Permanent Injunction by UNITED STATES ATTORNEY GENERAL (Attachments: # [1](#) Memorandum in Support, # [2](#) Request for Judicial Notice, # [3](#) Exhibit A, # [4](#) Exhibit B, # [5](#) Exhibit C, # [6](#) Exhibit D, # [7](#) Exhibit E, # [8](#) Exhibit F, # [9](#) Text of Proposed Order Injunction)(McMonagle, Ryan) (Entered: 02/28/2017)

- 02/28/2017 [31](#) MOTION to Certify Class, MOTION to Appoint Counsel by MARK CRUMPACKER, MICHAEL BEALS ELLIS, MARK J. LANGER, ROBERT A. MCNEIL; "LEAVE TO FILE GRANTED" By Judge Christopher R. Cooper (td) (Entered: 03/01/2017)
- 02/28/2017 [32](#) ANSWER to [4](#) Answer to Complaint,, COUNTERCLAIM,, CROSSCLAIM against UNITED STATES ATTORNEY GENERAL by MICHAEL BEALS ELLIS, MARK CRUMPACKER, ROBERT A. MCNEIL. Related document: [4](#) Answer to Complaint,, COUNTERCLAIM, filed by COMMISSIONER OF THE INTERNAL REVENUE SERVICE, CAROLINE CIRAULO-KLEPPER, MICHAEL MARTINEAU, UNITED STATES ATTORNEY GENERAL.(td); "LEAVE TO FILE GRANTED" by Judge Christopher R. Cooper Modified on 3/1/2017 (td). (Entered: 03/01/2017)
- 02/28/2017 [33](#) LEAVE TO FILE DENIED- Plaintiff's Motion to Notice and Admonish Clerk's Failure to Serve Orders of the Court on Plaintiffs & Clerk's Loss of Plaintiffs' 1. Cross-claim 2. Declarations in Support and 3. Rule 23 Motions to Certify a Class, Motion to Order Filing of Replacement Copies & Motion to Order Gov't to Answer Cross-counterclaim "LEAVE TO FILE DENIED. See Order for reasons." This document is unavailable as the Court denied its filing. Signed by Judge Christopher R. Cooper on 2/28/17. (td) (Entered: 03/01/2017)
- 02/28/2017 [34](#) LEAVE TO FILE DENIED- Declaration of Robert A. McNeil "LEAVE TO FILE DENIED. See Order for reasons." This document is unavailable as the Court denied its filing. Signed by Judge Christopher R. Cooper on 2/28/17. (td) (Entered: 03/01/2017)
- 02/28/2017 [35](#) SUPPLEMENTAL MEMORANDUM to re [26](#) MOTION to Alter Judgment as to Order on Motion for Order, [25](#) Order on Motion to Dismiss/Lack of Jurisdiction, Order on Motion for Summary Judgment filed by MARK CRUMPACKER, MICHAEL BEALS ELLIS, ROBERT A. MCNEIL; "LEAVE TO FILE GRANTED" by Judge Christopher R. Cooper (td) (Entered: 03/01/2017)
- 03/02/2017 [36](#) ORDER denying [31](#) Motion to Certify Class and [35](#) Supplemental Rule 59(e) Motion; and granting [14](#) Government's Motion to Dismiss "Cross-Counterclaim." Signed by Judge Christopher R. Cooper on 3/2/2017. (lccrc3) (Entered: 03/02/2017)
- 03/13/2017 [37](#) Memorandum in opposition to re [30](#) MOTION for Permanent Injunction filed by MARK CRUMPACKER, MICHAEL BEALS ELLIS, ROBERT A. MCNEIL. "LEAVE TO FILE GRANTED. Construed as Opposition to [30](#) Motion for Permanent Injunction." by Judge Christopher R. Cooper (td) (Entered: 03/14/2017)
- 03/20/2017 [38](#) Mail Returned as undeliverable sent to Mark Crumpacker. Type of Document Returned: Notice to Show Cause (Minute Entry) signed on 1/23/2017. Forwarding address not provided. (zlsj) (Entered: 03/20/2017)
- 03/21/2017 [39](#) REPLY to opposition to motion re [30](#) MOTION for Permanent Injunction filed by UNITED STATES ATTORNEY GENERAL. (McMonagle, Ryan) (Entered: 03/21/2017)
- 03/22/2017 [40](#) NOTICE OF APPEAL as to Order on Motion to Alter Judgment,,,,,, Order on Motion for Order, Order,, [25](#) Order on Motion to Dismiss/Lack of Jurisdiction, Order on Motion for Summary Judgment by MARK CRUMPACKER. Filing fee \$ 505, receipt number 4616083697. Fee Status: Fee Paid. Parties have been notified. (td) (Entered: 03/22/2017)

03/27/2017)

- 03/27/2017 [41](#) Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. The Court of Appeals fee was paid this date 3/24/17 re [40](#) Notice of Appeal,. (td) (Entered: 03/27/2017)
- 03/29/2017 [42](#) Supplemental Record on Appeal transmitted to US Court of Appeals Corrected Docket Sheet with updated address for Plaintiff Mark Crumpacker (ztd) (Entered: 03/29/2017)
- 03/29/2017 USCA Case Number 17-5054 for [40](#) Notice of Appeal, filed by MARK CRUMPACKER. (zrdj) (Entered: 03/29/2017)
- 04/19/2017 [43](#) MEMORANDUM OPINION granting [30](#) Motion for Permanent Injunction. See accompanying Order of Permanent Injunction for details. Signed by Judge Christopher R. Cooper on 4/19/2017. (lccrc3) (Entered: 04/19/2017)
- 04/19/2017 [44](#) ORDER OF PERMANENT INJUNCTION. See attached Order for details. Signed by Judge Christopher R. Cooper on 4/19/2017. (lccrc3) (Entered: 04/19/2017)
- 04/26/2017 [45](#) LEAVE TO FILE DENIED- Counterclaim defendants' Response to U.S. Reply in Support of Motion for Permanent Injunction "LEAVE TO FILE DENIED. Sur-replies not permitted see Local Rules except in circumstances not present here". This document is unavailable as the Court denied its filing. Signed by Judge Christopher R. Cooper on 4/14/17. (td) (Entered: 04/26/2017)
- 05/22/2017 [46](#) MOTION to Alter or Vacate [44](#) Order by MICHAEL BEALS ELLIS, ROBERT A. MCNEIL. "Leave to file GRANTED" signed by Judge Christopher R. Cooper on 05/19/2017 (jf) (Entered: 05/22/2017)
- 06/02/2017 [47](#) Memorandum in opposition to re [46](#) MOTION to Vacate [44](#) Order filed by COMMISSIONER OF THE INTERNAL REVENUE SERVICE. (McMonagle, Ryan) (Entered: 06/02/2017)
- 08/08/2017 [48](#) ORDER of USCA ORDERED, on the courts own motion, that these cases be held in abeyance pending disposition by the district court of the Rule 59(e) motion filed in Crumpacker v.Ciraolo-Klepper et al., Thedistrict court is requested to notify this court promptly following its disposition of themotion as to (21 in 1:16-cv-01768-CRC) Notice of Appeal filed by ADELE PODGORNY, (40 in 1:16-cv-01053-CRC) Notice of Appeal, filed by MARK CRUMPACKER, (24 in 1:16-cv-01458-CRC) Notice of Appeal filed by WILLIAM B. MCGARVIN, (24 in 1:16-cv-00420-CRC) Notice of Appeal filed by GARY DWAILEEBE, (7 in 1:16-cv-02089-CRC) Notice of Appeal filed by NORMA A. DEORIO ; USCA Case Number 17-5054, 17-5055, 17-5056, 17-5057, 17-5058. (td) (Entered: 08/10/2017)
- 08/09/2017 MINUTE ORDER denying [46](#) Motion to Vacate. Plaintiffs have filed a [46](#) Motion to Alter or Vacate [43](#) , [44](#) the Court's April 19, 2017 Memorandum Opinion and Order granting a Permanent Injunction. In order to grant a Motion to Alter or Vacate under Rule 59(e) of the Federal Rules of Civil Procedure, the Court must find "an intervening change of controlling law, the availability of new evidence, or the need to correct a clear error or prevent manifest injustice." Firestone v. Firestone, 76 F.3d 1205, 1208 (D.C. Cir. 1996). Having carefully reviewed Plaintiffs' motion, the Court finds that none of these circumstances are present here. Plaintiffs identify no change in law. And although

Plaintiffs have attached five declarations to their Motion, none of them present new evidence. Instead, they explain the alleged falsification of IRS substitute income tax returns and other facts that have already been thoroughly litigated. Plaintiffs argue that the Court has not considered and decided the underlying issues of their claims. These arguments have already been presented in Plaintiffs' Opposition to the Motion for a Permanent Injunction, and a Motion to Alter or Vacate the Judgment is not a vehicle "to relitigate old matters." *Rivera v. JPMorgan Chase Bank, N.A.*, 312 F.R.D. 216, 219 (D.D.C. 2015). Plaintiffs also attempt to raise new legal theories to support their claims. But a Motion to Alter or Vacate the Judgment is also not "a vehicle for presenting theories or arguments that could have been advanced earlier." *Loumiet v. United States*, 65 F. Supp. 3d 19, 24 (D.D.C. 2014). Finally, Plaintiffs' disagreements with several of the Court's findings reveal no clear errors in the Court's understanding or reasoning that would warrant altering or vacating the judgment to prevent manifest injustice. It is, therefore, hereby ORDERED that [46](#) Plaintiffs' Motion to Alter or Vacate is DENIED. Signed by Judge Christopher R. Cooper on 08/09/2017. (lccrc3) (Entered: 08/09/2017)

- 08/14/2017 [49](#) Supplemental Record on Appeal transmitted to US Court of Appeals re Minute Order on Motion to Vacate; USCA Case Number 17-5054, 17-5055, 17-5056, 17-5057, 17-5058. (jf) (Entered: 08/14/2017)
- 08/16/2017 [50](#) NOTICE OF APPEAL as to Order on Motion to Vacate,,,,,,, by MICHAEL BEALS ELLIS, ROBERT A. MCNEIL. Filing fee \$ 505, receipt number 4616086695. Fee Status: Fee Paid. Parties have been notified. (td) (Entered: 08/21/2017)
- 08/22/2017 [51](#) Transmission of the Notice of Appeal, Order Appealed (Memorandum Opinion), and Docket Sheet to US Court of Appeals. The Court of Appeals fee was paid this date 8/16/17 re [50](#) Notice of Appeal. (td) (Entered: 08/22/2017)
- 08/23/2017 USCA Case Number 17-5191 for [50](#) Notice of Appeal filed by MICHAEL BEALS ELLIS, ROBERT A. MCNEIL. (zrdj) (Entered: 08/24/2017)
- 09/18/2017 [52](#) MOTION for Order to Show Cause *Why Counterclaim Defendants Should Not Be Held In Contempt* by UNITED STATES OF AMERICA (Attachments: # [1](#) Memorandum in Support, # [2](#) Text of Proposed Order)(McMonagle, Ryan) (Entered: 09/18/2017)
- 09/18/2017 [53](#) ERRATA by UNITED STATES OF AMERICA [52](#) MOTION for Order to Show Cause *Why Counterclaim Defendants Should Not Be Held In Contempt* filed by UNITED STATES OF AMERICA. (Attachments: # [1](#) Errata Exhibit A to Motion for Order to Show Cause)(McMonagle, Ryan) (Entered: 09/18/2017)
- 09/28/2017 [54](#) Memorandum in opposition to re [52](#) MOTION for Order to Show Cause *Why Counterclaim Defendants Should Not Be Held In Contempt* filed by MICHAEL BEALS ELLIS, ROBERT A. MCNEIL. (td) (Entered: 10/02/2017)
- 09/28/2017 55 NOTICE re: IRS Suspension of "ASFR" Record Falsification Program by MICHAEL BEALS ELLIS, ROBERT A. MCNEIL (See docket entry no. [54](#) to view.) (td) Modified on 10/2/2017 (td). (Entered: 10/02/2017)
- 10/03/2017 [56](#) MOTION for Recusal of the Honorable Chris Cooper by MICHAEL BEALS ELLIS, ROBERT A. MCNEIL (Attachments: # [1](#) Exhibit)(td) (Entered: 10/04/2017)

- 10/03/2017 57 NOTICE Suspension by TIGTA of IRS' "ASFR" Record Falsification Program by MICHAEL BEALS ELLIS, ROBERT A. MCNEIL ; (See docket entry no. [56](#) to view.) (td) (Entered: 10/04/2017)
- 10/11/2017 [58](#) REPLY to opposition to motion re [52](#) MOTION for Order to Show Cause *Why Counterclaim Defendants Should Not Be Held In Contempt* filed by UNITED STATES OF AMERICA. (McMonagle, Ryan) (Entered: 10/11/2017)
- 10/11/2017 [59](#) Memorandum in opposition to re [56](#) MOTION for Recusal filed by UNITED STATES OF AMERICA. (McMonagle, Ryan) (Entered: 10/11/2017)

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