

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

IN RE RICHARD H. LAMBERTSEN,

Petitioner

1:25-cv-00012-WAL-EAH

TO: Richard H. Lambertsen, Pro Se

REPORT & RECOMMENDATION

THIS MATTER comes before the Court following the issuance of an Order to Show Cause on March 20, 2025 that directed Petitioner Richard H. Lambertsen, to show cause in a written submission by April 3, 2025 why this Court should not recommend to the District Judge that his petition for a writ of mandamus be dismissed as frivolous. Dkt. No. 4. Mr. Lambertsen timely filed a response. Dkt. No. 7. For the reasons that follow, the Court recommends that the District Judge dismiss the Petition for Writ of Mandamus as frivolous.

BACKGROUND

On February 10, 2025, Mr. Lambertsen, appearing pro se and fee paid, filed a Petition for Writ of Mandamus. Dkt. No. 1. In his Petition, Mr. Lambertsen sought relief from Carla Hayden, the U.S. Librarian of Congress. Specifically, he asked the Court to “direct the Librarian of Congress to promptly comply with Petitioner’s demand of 8 February 2025 to attach an errata sheet to his book accessioned” in the Library of Congress under Classification No. QH360.5.L36 2008.”¹ *Id.* at 2. He explained that he was a veterinarian,

¹ The two items contained in the errata sheet, Dkt. No. 1-1, consist of the following: (1) changing text (on a page not specified) from “This revealed that the more motivated phenotype eventually should be able to overpower less motivated individuals of its age class *even while moving at a slower speed*,” to insert the word “be” and to read “This revealed that the more motivated phenotype eventually should **be** able to overpower less motivated

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consultant, investor and philanthropist, and was a “defacto agent of the Secretary-General of the United Nations.” *Id.* He was engaged in a number of projects, including a nonviolent anti-terrorism initiative. His work progressed to the point where “it is now obvious that he has a need to correct by a permanent method two defects in his book accessioned in the Library of Congress.” He had “standing” in this matter because Ms. Hayden’s failure to comply with his demand of February 8, 2025 decreased the marketability of his book. *Id.* at 3.

He added that the Court should issue the writ because (1) a war is presently raging between the Russian Federation and Ukraine; and (2) correcting his book is a key part of his ongoing work to get Vladimir Putin, President of the Russian Federation, prosecuted by his own government for ordering a war of aggression against Ukraine. *Id.* Mr. Lambertsen concluded that failure to issue the writ would constitute obstruction of justice. *Id.*

The District Judge referred all pending and future dispositive matters in this action to the undersigned for a Report & Recommendation. Dkt. No. 3.

The Court then issued the Order to Show Cause, observing that a district court had the authority to sua sponte dismiss frivolous actions; a claim or action was frivolous where it depended “on an indisputably meritless legal theory or a clearly baseless or fantastic or delusional factual scenario.” Dkt. No. 4 at 2-3. The relief Mr. Lambertsen sought—directing the Librarian of Congress to make two corrections in his book (adding one word to a sentence and adding one citation)—was based on the fact that his book played a key role in

individuals of its age class *even while moving at a slower speed*” (bold typeface added) and (2) to add “Lockyer CH, McConnell LC, Waters TD.1985. *Can. J. Zoology* 63:2328” to the list of literature cited. The Petition did not identify the title of the book.

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his ongoing work to get Mr. Putin prosecuted by his own government for the war in Ukraine. In the Court's view, this constituted a "fanciful factual allegation," as Mr. Lambertsen provided no support or explanation as to how his untitled book played such an outsized role in world events, and thus met the definition of frivolous. *Id.* at 4-5. In addition, the Court opined that Mr. Lambertsen did not show an entitlement to the extraordinary relief of mandamus. *Id.* at 5. The Order to Show Cause provided Mr. Lambertsen notice and an opportunity to be heard on the legal viability of his Petition and ordered him to show cause why the Court should not recommend to the District Judge that his Petition be dismissed as frivolous. *Id.* It also advised that a failure to respond would likely result in a recommendation to the District Judge that his Petition be dismissed. *Id.* at 6.

On March 26, 2025, Mr. Lambertsen responded to the Order to Show Cause, apparently by emailing files. Dkt. No. 6.² On March 31, 2025, he filed a Response containing six attachments (a 2010 letter from President Barack Obama, March 2025 emails to and from individuals apparently working in the Library of Congress related to his request for an errata sheet, and a 2008 scientific article and an abstract of another scientific article written by Mr. Lambertsen). Dkt. Nos. 7, 7-1 to 7-6. On April 3, 2025, Mr. Lambertsen submitted another response to the Order to Show Cause that asserted that he had been directed to file a hard copy of his response with the Clerk's Office, but it contained no actual response. Dkt. No. 8.

² It appears that the Clerk's Office informed Mr. Lambertsen that he should file a hard copy of the documents shown on the email in Dkt. No. 6. *See* Dkt. No. 8. It is unclear whether the files contained in Dkt. No. 6 were some of the six exhibits included in Dkt. No. 7.

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DISCUSSION

As the Court set forth in its Order to Show Cause, district courts possess an “inherent authority to manage their dockets and courtrooms with a view toward the efficient and expedient resolution of cases.” *Dietz v. Bouldin*, 579 U.S. 40, 47 (2016). In relation to that authority, the Third Circuit has permitted district courts to sua sponte dismiss frivolous actions. *See R & C Oilfield Servs. LLC v. Am. Wind Transp. Grp. LLC*, 45 F.4th 655, 661-62 (3d Cir. 2022). A claim or action is frivolous where it depends “on an ‘indisputably meritless legal theory’ or a ‘clearly baseless’ or ‘fantastic or delusional’ factual scenario.” *Mitchell v. Horn*, 318 F.3d 523, 530 (3d Cir. 2003) (quoting *Neitzke v. Williams*, 490 U.S. at 319, 327-28 (1989)). Courts may also dismiss frivolous complaints “even if the plaintiff has paid the filing fee,” *Bey v. Fid. Inv. LLC*, No. 23-cv-920, 2023 WL 2504754, at *7 (E.D. Pa. Mar. 14, 2023) (internal quotation marks omitted), which preserves scarce judicial resources, *Fitzgerald v. First E. Seventh St. Tenants Corp.*, 221 F.3d 362, 364 (2d Cir. 2000).

The Order to Show Cause set forth the reasoning that the Court reiterates here in concluding that Mr. Lambertsen’s Petition for Writ of Mandamus is frivolous and should be dismissed. He asked the Court to direct Ms. Hayden to comply with his demand that she attach the errata sheet that made two minor edits to his book because his book played a key role in Mr. Lambertsen’s efforts to get Mr. Putin prosecuted by his own government for the war in Ukraine. However, Mr. Lambertsen provided no objective support or explanation as to how he planned to effect such a goal, or how the edits to his untitled book might play such an “outsized role in world events.” Dkt. No. 4 at 5. The documents he filed in response to the

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Order to Show Cause were not relevant to the relief he sought. This leads the Court to conclude that the Petition lacked “an arguable basis . . . in [both] law [and] fact,” *Nietzke*, 490 U.S. at 325, and that Mr. Lambertsen had “no claim to the drastic and extraordinary remedy of mandamus.” *In re Bernard*, 419 F. App’x 154, 155 (3d Cir. 2011).

CONCLUSION

Based upon the foregoing, the Court **RECOMMENDS** that Mr. Lambertsen’s Petition be **DISMISSED** as frivolous.

Any objections to this Report and Recommendation must be filed in writing within fourteen (14) days of receipt of this notice, 28 U.S.C. § 636(b)(1), and must “specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis of such objection.” LRCi 72.3. Failure to file objections within the specified time shall bar the aggrieved party from attacking such Report and Recommendation before the assigned District Court Judge. *See, e.g., Thomas v. Arn*, 474 U.S. 140 (1985).

The Clerk of Court shall mail a copy of this Report and Recommendation to the pro se Petitioner by certified mail, return receipt requested.

ENTER:

Dated: April 30, 2025

/s/ Emile A. Henderson III
EMILE A. HENDERSON III
U.S. MAGISTRATE JUDGE