

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAHEEM LOUIS,

Defendant.

1:11-cr-00023-2

TO: Raheem Louis, #08505-094, *Pro Se*
USP Lewisburg
U.S. Penitentiary
P.O. Box 1000
Lewisburg, PA 17837

REPORT AND RECOMMENDATION

THIS MATTER is before the Court upon Raheem Louis's response to the Court's Order to Show Cause. (ECF No. 307). This report and recommendation recommends the entry of a pre-filing injunction that prevents Defendant Louis from filing motions without leave of the Court.

Between April 2, 2018 and June 11, 2018, Raheem Louis filed nine *pro se* motions with the Court. On April 2, 2018, the court received a letter from Defendant Louis. The body of the letter reads: "The accompanying document marked 'Discharge in Bankruptcy' on Page 1 of 5, initiates a Voluntary Bankruptcy Proceeding under Chapter 7, which discharges the person of Raheem Louis, from judicial lien in Case no. 1:11-cr-19!" Criminal No. 11-cr-

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00019, (ECF No. 55).¹ Based on its content, the letter was docketed as a motion for discharge of judicial lien. It appearing to be a petition in bankruptcy, the Court denied the motion because the Court lacked jurisdiction to consider it. Criminal No. 11-cr-00019, (ECF No. 56).

On April 23, 2018, Defendant Louis sent a letter asking the Court to register a pamphlet titled “Koran Questions for Moorish Americans” (the pamphlet) as a foreign judgment. In accordance with Court policy and in order to allow the Court to respond to Defendant Louis’s request, the Court docketed the letter as a motion. (ECF No. 278). The Court’s Order denied Defendant’s request on the basis that the pamphlet is not a foreign judgment. (ECF No. 284).

On May 18, 2018, the Court received another document from Defendant Louis. (ECF No. 287). This document was also in the form of a letter, but included the heading: “Federal Rules of Evidence Rule 201 Judicial Notice: Notice of Discharge of Outstanding Fixed Penalty Charge and Request for Clarification.” The Court docketed this as a motion for clarification and ruled accordingly. Because the pleading seemed to assert that the criminal monetary penalties assessed at his sentencing had been discharged in bankruptcy, the Court noted in its Order that “Third Circuit precedent informs us that restitution ordered as part of a criminal sentence is criminal rather than civil in nature” and is not dischargeable in bankruptcy. *United States v. Leahy*, 438 F.3d 328, 335 (3d Cir. 2006). *See also Kelly v.*

¹ The Court reproduces Defendant’s text as he wrote it. And for ease of reading, without the inclusion of (sic).

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Robinson, 479 U.S. 36 (1986), accord *Lopez v. First Judicial Dist. (In re Lopez)*, 531 B.R. 554 (Bankr. E.D. Pa. May 18, 2015). (ECF No. 288).²

On May 21, 2018, the Court received another letter from Defendant Louis. This letter was substantially similar to the letter received on April 23, 2018, in that Defendant Louis again asked the court to register the pamphlet as a foreign judgment. Again, it being the only avenue available to the Court to respond to such a request, the Court docketed the letter as a renewed motion to register a foreign judgment. (ECF No. 289). The Court denied this motion on the ground that the pamphlet is not a foreign judgment. (ECF No. 291).

The document received from Defendant Louis on May 29, 2018, included a case caption and the title, “Judicial Notice: Federal Rules of Evidence Rule 201.” Based on the title and on the content of the document, the Court docketed this as a motion to take judicial notice (ECF No. 294). This motion asked the Court to take judicial notice of the pamphlet and of certain facts. In the Order issued here, the court noted that while it might be possible to judicially notice the pamphlet’s existence; Defendant had asked the Court to

² In addition to the request for clarification and the declaration that his debt had been discharged in bankruptcy, the motion also appeared to be an attempt to negotiate the “\$250.00 for services rendered by your company” (ECF No. 287) at 3. In his motion, Defendant stated that he would stipulate to the “\$250.00 debt” upon proof of certain claims, inter alia,

(a) that I am a person, and not a human being, spirit-man;
(b) that you know what a ‘person’ actually is, in legal terms, and a spirit man;
(c) that you know the difference between ‘legal’ and a ‘lawful’;
(d) that I am a member of the society whose statutes and subsisting regulations you are enforcing; and
(e) that SHIEK Raheem Louis-EL showed [court personnel] [] some sort of identification.

Motion (ECF No. 287) at 2-3. (At his sentencing Defendant was ordered to pay \$150.00 in restitution to the victim. He was also ordered to pay a \$100.00 assessment. (ECF No. 225) at 6.)

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take judicial notice of the meaning he assigned to the pamphlet.³ The Court explained that it could not take judicial notice of the meaning Louis ascribed to the pamphlet and denied the motion. (ECF No. 295).

On June 4, 2018, the Court received two more documents, each styled as motions for judicial notice. (ECF Nos. 297, 298). The contents of these motions were similar to Louis's four previous motions and substantially similar to his motion of May 29. The Court summarily denied these motions. (ECF No. 299). On June 11 and 15, 2018, Defendant filed two more almost identical documents. (ECF Nos. 304, 305). These were docketed as a motion for reconsideration and a motion to supplement motion for reconsideration. The Court's orders on these motions and the April 2 motion were issued on June 20, 2018.⁴

Overall, Defendant Louis's motions assert the same facts, make the same claims, and request the same relief. His pleadings have named court personnel including Judge Lewis and Judge Cannon and Attorneys Ross-Edwards, Henry-Williams, Andrews, and White accusing them of "actio iniuriarum and fraud," among other things. *See* (ECF Nos. 287, 297). The Court has read all of Defendant's motions carefully and liberally. The Court responded to Defendant Louis's motions with orders that explained its rulings and rationale in plain

³ Defendant stated that the pamphlet was a "[d]eed of Absolute Assignment in Trust for the Benefit of Creditors under Illinois Law, which is equivalent to, and an accepted states substitute for a Federal Bankruptcy Judgment under the Federal Bankruptcy Act" and "as a Foreign Judgment, is the 'Satisfaction' in WHOLE of the Judgment in Case 1:11-cr-00023-2." (ECF No. 294) at 2.

⁴ *See* (ECF No. 308) and, in Criminal No. 11-cr-00019, (ECF No. 56).

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English. Defendant Louis nonetheless continues to file frivolous motions that tax the Court's resources.

When a litigant continuously abuses "the judicial process by filing meritless and repetitive actions," after providing notice and an opportunity to respond, a court may issue a narrowly tailored pre-filing injunction. *Hurst v. Shalk*, 2018 U.S. App. LEXIS 12800 at *6 (3d Cir. 2018) (quoting *Brow v. Farrelly*, 994 F.2d 1027, 1038 (3d Cir. 1993)). Accordingly, on June 6, 2018, the Court ordered Louis to show cause why the Court should not issue a pre-filing injunction that would require him to request leave of the Court before filing any other similar motions. (ECF No. 299).

On June 18, 2018, the Court received Defendant Louis's response to the Court's Order to Show Cause. (ECF No. 307). In his response, Defendant Louis states that his reason for filing so many motions with the Court is that he believes the prison where he is incarcerated, USP Lewisburg, obstructs incoming and outgoing mail. "This is the reason why I send so many of the same motions to this Court, to make sure that the motion was actually received by the Court, NOT to abuse the Judicial Process." (ECF No. 307). By his response, the record shows that Defendant Louis received the Order to Show Cause. Also, in his motion of June 11, 2018, Defendant acknowledges receipt of two of the Court's previous orders, stating:

That Raheem Louis-EL filed a motion to register tan pamphlet marked OUR AUTHORITY on the back cover as a Foreign Judgment by Raheem D. Louis (Attachments: #1 Exhibit Book #2 Exhibit Envelope((AM) (Entered:

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04/23/2018) And Judge George Cannon refused to Register Foreign Judgment(s). . . .

That Raheem Louis-EL re-file motion to enter a foreign judgment as to Raheem Louis or Raheem D. Louis (2) on (05/10/2018) and I receive on 05/29/2018 Thursday documentation from the District Court of the Virgin Islands clerk's office in regards to Foreign Judgment being denied pursuant to 28 U.S.C. § 1963.

Motion for Reconsideration, ECF No. 304 at ¶¶ 3, 4.

The Court recognizes that it may not be interpreting Defendant's motions in the way that he intends them. However, Defendant Louis continues to file motions that are substantially similar to one another. If he is not getting the answer he seeks, he needs to change the question. As things now stand, his serial motions and his disregard of past orders show a pattern of abuse of the judicial system. Consequently, the Court recommends the entry of a pre-filing injunction.

UPON the foregoing, the Court RECOMMENDS the following:

1. Without prior leave of this Court, Defendant Raheem Louis should be prohibited, when proceeding *pro se*, from filing any motions relating to the pamphlet titled "Koran Questions for Moorish Americans."

2. Without prior leave of this Court, Defendant Raheem Louis should be prohibited, when proceeding *pro se*, from filing in the District Court any motions challenging the criminal monetary penalties assessed against him in Criminal No. 11-00023.

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3. Without prior leave of this Court, Defendant Raheem Louis should be prohibited, when proceeding *pro se*, from filing any motions containing unsupported allegations against officers of the court and court personnel.

4. Defendant Raheem Louis should be prohibited from filing bankruptcy pleadings with the Virgin Islands District Court, St. Croix Division.

5. Leave of Court should be freely granted upon Raheem Louis showing through a properly filed motion that the proposed filing is not repetitive, that the pleading does not violate a previous court order, and that the proposed pleading is in compliance with Rule 8(a) of the Federal Rules of Civil Procedure.

6. The court should order Raheem Louis to attach a copy of its Order and Injunction to any such motion for leave of court.

7. The court should order the clerk of this court to refuse to accept any submissions for filing except petitions for leave of court, unless such filings are accompanied by an order of this court granting leave. In the event that Raheem Louis succeeds in filing papers in violation of the court's order, upon such notice, the clerk of court should be permitted, under authority of the court's order, to immediately and summarily strike the pleadings or filings.

8. The Court's order and injunction should not apply to the filing of timely notices of appeal from the District Court to the Court of Appeals and papers solely in furtherance of such appeal.

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Any objections to this Report and Recommendation must be filed in writing within fourteen (14) days of receipt of this notice. 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. 28 U.S.C. § 636(b)(1); LRCi 72.3.

ENTER:

Dated: June 20, 2018

/s/ George W. Cannon, Jr.
GEORGE W. CANNON, JR.
MAGISTRATE JUDGE