

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 18-10905-D

In re:

MICHAEL EUGENE CLONINGER,

Debtor.

WILLIAM EDWARD CLONINGER,

Plaintiff - Appellant,

versus

MICHAEL EUGENE CLONINGER,

Defendant - Appellee.

Appeal from the United States District Court
for the Northern District of Georgia

ENTRY OF DISMISSAL: Pursuant to the 11th Cir.R. 42-1(b), this appeal is DISMISSED for want of prosecution because the appellant William Edward Cloninger failed to file a prisoner financial statement within the time fixed by the rules, effective November 09, 2018.

DAVID J. SMITH
Clerk of Court of the United States Court
of Appeals for the Eleventh Circuit

by: Scott O'Neal, D, Deputy Clerk

FOR THE COURT - BY DIRECTION

General Docket**United States Court of Appeals for the Eleventh Circuit**

Court of Appeals Docket #: 18-10905 **Docketed:** 03/08/2018
Nature of Suit: 3422 Bankruptcy Appeals Rule 28 USC 158 **Termed:** 11/09/2018
 William Cloninger v. Michael Cloninger
Appeal From: Northern District of Georgia
Fee Status: Fee Not Paid

Case Type Information:

- 1) Bankruptcy
- 2) From District Court
- 3) -

Originating Court Information:

District: 113E-1 : 1:16-cv-02386-RWS **Lead:** 1:11-bkc-83163-PWB

Secondary Judge: Paul W. Bonapfel, U.S. Bankruptcy Judge

Civil Proceeding: Richard W. Story, U.S. District Judge

Date Filed: 06/30/2016

Date NOA Filed:

03/08/2018

Prior Cases:

None

Current Cases:

None

WILLIAM EDWARD CLONINGER (State Prisoner: 647971) Plaintiff - Appellant
 versus
 MICHAEL EUGENE CLONINGER Defendant - Appellee

William Edward Cloninger
 [NTC Pro Se]
 Columbia CI - Inmate Legal Mail
 216 SE CORRECTIONS WAY
 LAKE CITY, FL 32025-2013

In re:

MICHAEL EUGENE CLONINGER,

Debtor.

Appendix A.

WILLIAM EDWARD CLONINGER,

Plaintiff - Appellant,

versus

MICHAEL EUGENE CLONINGER,

Defendant - Appellee.

01/08/2019 Notice of Change of Address for Party William Edward Cloninger. [Entered: 01/11/2019 01:47 PM]

01/08/2019 Notice of filing: Request to clarify as to Appellant William Edward Cloninger. [Entered: 01/11/2019 01:44 PM]

12/07/2018 RETURNED UNFILED: Motion to reopen the appeal filed by William Edward Cloninger is returned unfiled because the Court will not accept any further filings in this case unless/until the deficiency (filing of a prisoner financial statement) is cured. [Entered: 12/07/2018 10:18 AM]

11/09/2018 ENTRY OF DISMISSAL: Pursuant to the 11th Cir.R. 42-1(b), this appeal is DISMISSED for want of prosecution because the appellant William Edward Cloninger failed to file a prisoner financial statement within the time fixed by the rules [Entered: 11/09/2018 10:14 AM]

11/08/2018 *MOTION To rule on motion for declaratory judgment filed by Appellant William Edward Cloninger. Opposition to Motion is Unknown [8616205-1]* [Entered: 11/09/2018 10:11 AM]

10/02/2018 CORRECTED ORDER: Motion for extension to file prisoner statement filed by Appellant William Edward Cloninger is GRANTED. [8557925-2] Prisoner Statement due on 11/05/2018. BBM--[Edited 10/05/2018 by SO] [Entered: 10/02/2018 12:12 PM]

09/21/2018 Appellant's Certificate of Interested Persons and Corporate Disclosure Statement filed by Appellant William Edward Cloninger. [Entered: 09/27/2018 08:50 AM]

09/07/2018 Public Communication: Appellant's inquiry construed from "motion seeking to know exactly the amount is for the filing fee" and deputy clerk's reply. [Entered: 09/07/2018 01:56 PM]

09/07/2018 *MOTION for extension of time to file prisoner financial statement to 11/05/2018 filed by Appellant William Edward Cloninger. Opposition to Motion is Unknown [8557925-1]* [Entered: 09/07/2018 01:49 PM]

09/07/2018 *MOTION For declaratory judgment filed by Appellant William Edward Cloninger. Opposition to Motion is Unknown [8557920-1]* [Entered: 09/07/2018 01:46 PM]

07/23/2018 Notice of filing: Notice that appellee is not receiving service of appellant filings as

- █ to Appellee Michael Eugene Cloninger. [Entered: 07/25/2018 03:30 PM]
- 07/11/2018 █ ORDER: Motion for extension to file prisoner statement filed by Appellant William Edward Cloninger is GRANTED. [8503693-2] Prisoner Statement due on 09/04/2018. BBM [Entered: 07/11/2018 07:37 AM]
- 07/09/2018 █ NOTICE OF CIP FILING DEFICIENCY to Michael Eugene Cloninger. You are receiving this notice because you have not completed the Certificate of Interested Persons (CIP). Failure to comply with 11th Cir. Rules 26.1-1 through 26.1-4 may result in dismissal of the case or appeal under 11th Cir. R. 42-1(b), return of deficient documents without action, or other sanctions on counsel, the party, or both. [Entered: 07/09/2018 10:16 AM]
- 07/09/2018 NOTICE OF CIP FILING DEFICIENCY to Michael Eugene Cloninger. You are receiving this notice because you have not completed the Web-Based Stock Ticker Symbol Certificate of Interested Persons (CIP) via the Court's public web-page. Failure to comply with 11th Cir. Rules 26.1-1 through 26.1-4 may result in dismissal of the case or appeal under 11th Cir. R. 42-1(b), return of deficient documents without action, or other sanctions on counsel, the party, or both. [Entered: 07/09/2018 10:16 AM]
- 07/05/2018 █ *MOTION for extension of time to file prisoner financial statement to 09/04/2018 filed by Appellant William Edward Cloninger. Opposition to Motion is Unknown [8503693-1]* [Entered: 07/09/2018 07:53 AM]
- 06/18/2018 █ *MOTION to proceed IFP filed by Appellant William Edward Cloninger. Opposition to Motion is Unknown [8487360-1]* [Entered: 06/19/2018 07:57 AM]
- 05/15/2018 █ USDC order denying IFP as to Appellant William Edward Cloninger was filed on 05/14/2018. Docket Entry 51. [Entered: 05/15/2018 03:17 PM]
- 05/02/2018 █ USDC MOTION for leave to proceed in forma pauperis as to Appellant William Edward Cloninger was filed on 04/27/2018. Docket Entry 49. [Entered: 05/02/2018 10:25 AM]
- 05/02/2018 █ Appeal clerically reinstated as to Appellant William Edward Cloninger because appeal was erroneously dismissed on 04/27/2018. The In forma pauperis motion was timely filed in U.S. District Court according to the mailbox rule.. [Entered: 05/02/2018 10:22 AM]
- 04/27/2018 █ Notice of filing: Statement that appellant has filed a motion for IFP in USDC. as to Appellant William Edward Cloninger. [Entered: 05/02/2018 07:44 AM]
- 04/27/2018 █ ENTRY OF DISMISSAL: Pursuant to the 11th Cir.R.42-1(b), this appeal is DISMISSED for want of prosecution because the appellant William Edward Cloninger failed to pay the filing and docketing fees to the district court, or alternatively, file a motion to proceed in forma pauperis in the district court within the time fixed by the rules [Entered: 04/27/2018 08:26 AM]
- 04/26/2018 █ Notice of filing: Letter from appellee stating that he isn't being served by appellant as to Appellee Michael Eugene Cloninger. [Entered: 04/30/2018 08:35 AM]
- 04/13/2018 █ ORDER: Motion for extension of time to file IFP motion filed by Appellant

William Edward Cloninger is GRANTED. [8415941-2] IFP motion due on 04/23/2018. SM [Entered: 04/13/2018 03:30 PM]

04/13/2018 NOTICE OF CIP FILING DEFICIENCY to William Edward Cloninger. You are receiving this notice because you have not completed the Certificate of Interested Persons (CIP). Failure to comply with 11th Cir. Rules 26.1-1 through 26.1-4 may result in dismissal of the case or appeal under 11th Cir. R. 42-1(b), return of deficient documents without action, or other sanctions on counsel, the party, or both. [Entered: 04/13/2018 10:02 AM]

03/29/2018 *MOTION for extension of time to file a motion to proceed In Forma Pauperis to 04/23/2018 filed by Appellant William Edward Cloninger. Opposition to Motion is Unknown [8415941-1]* [Entered: 03/29/2018 03:03 PM]

03/29/2018 Appeal clerically reinstated as to Appellant William Edward Cloninger because appeal was erroneously dismissed on 03/28/2018. The A motion for extension to file an IFP motion was timely received based upon the "mailbox" rule. [Entered: 03/29/2018 02:57 PM]

03/28/2018 ENTRY OF DISMISSAL: Pursuant to the 11th Cir.R.42-1(b), this appeal is DISMISSED for want of prosecution because the appellant William Edward Cloninger failed to pay the filing and docketing fees to the district court, or alternatively, file a motion to proceed in forma pauperis in the district court within the time fixed by the rules [Entered: 03/28/2018 12:42 PM]

03/23/2018 NOTICE OF CIP FILING DEFICIENCY to William Edward Cloninger. You are receiving this notice because you have not completed the Certificate of Interested Persons (CIP). Failure to comply with 11th Cir. Rules 26.1-1 through 26.1-4 may result in dismissal of the case or appeal under 11th Cir. R. 42-1(b), return of deficient documents without action, or other sanctions on counsel, the party, or both. [Entered: 03/23/2018 11:57 AM]

03/08/2018 CIVIL APPEAL DOCKETED. Notice of appeal filed by Appellant William Edward Cloninger on 03/08/2018. Fee Status: Fee Not Paid. No hearings to be transcribed. Awaiting Appellant's Certificate of Interested Persons due on or before 03/22/2018 as to Appellant William Edward Cloninger. Awaiting Appellee's Certificate of Interested Persons due on or before 04/05/2018 as to Appellee Michael Eugene Cloninger [Entered: 03/09/2018 09:41 AM]

CORRECTED

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 18-10905-D

In re:

MICHAEL EUGENE CLONINGER,

Debtor.

WILLIAM EDWARD CLONINGER,

Plaintiff - Appellant,

versus

MICHAEL EUGENE CLONINGER,

Defendant - Appellee.

Appeal from the United States District Court
for the Northern District of Georgia

ORDER:

Appellant's second (2nd) motion for extension of time to file a prisoner financial statement to and including November 5, 2018 is GRANTED.

/s/ Beverly B. Martin
UNITED STATES CIRCUIT JUDGE

Appendix-B

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 18-10905-D

In re:

MICHAEL EUGENE CLONINGER,

Debtor.

WILLIAM EDWARD CLONINGER,

Plaintiff - Appellant,

versus

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DAVID J. SMITH
Clerk of Court of the United States Court
of Appeals for the Eleventh Circuit

by: Scott O'Neal, D, Deputy Clerk

FOR THE COURT - BY DIRECTION

APPENDIX C

PROVIDED TO MARION C. ION
9-4-18 FOR MAILING.

Go Trump

United States Court of Appeal
For The Eleventh Circuit

William Edward Cloninger,
Appellant,

CASE NO: 18-10905-D

vs

Michael Eugene Cloninger,
Appellee.

U.S. COURT OF APPEALS
RECEIVED
CLERK
SEP 07 2018
ATLANTA, GA

Motion for Declaratory Judgment

And

Motion for Extension of Time

And

Motion Seeking To Know Exactly
The Amount Is For The Filing Fee

Now comes the pro se Appellant, William Edward Cloninger ("Cloninger"), and moves this Honorable Court in the above-styled cause, as follows:

Motion for Declaratory Judgment

Cloninger contends that the Prison Litigation Reform Act that Congress enacted does not apply to him in this appeal because, it was not Congress intent that it apply to prisoners who sought other civil actions not against prison or prison officials!

Cloninger further contends that it was Congress intent when enacting the Prison Litigation Reform Act into law, was to stop all the frivolous law suit being filed against

Appendix D

PRISON OR PRISON OFFICIALS, FOR ANY EVERYTHING UNDER THE SUN!

Cloninger seeks Declaratory Judgment of the constitutionality of the Prison Litigation Reform Act that it does not apply to him here, when his appeal before the court involves two brothers that stems from a bankruptcy court adversary proceedings, which has nothing to do with prison officials, as Congress intended.

Therefore, Cloninger should, as a matter of law, be allowed to proceed without any cost, just like a free person that being such like actions before the court!

Motion For Extension of Time

Currently, Cloninger's, prisoner financial statement is due Sept. 4, 2018, as of date he has not received his financial statement from prison officials yet! Therefore, he's asking the court for an additional 60 day extension of time, to include Nov. 3, 2018, to file his financial statement with the court or, sooner upon receiving it from prison officials!

Motion Seeking To Know Exactly The Amount Is For The Filing Fee

Cloninger would like to know exactly how much the filing fee cost for this appeal are. So he can seek help to get the funds through his sisters or son to pay that cost and get the case back on track!

Declaration / Certificate of Service

Pursuant to Title 28 U.S.C. Section 1746, I declare

under penalties of perjury that all stated herein is true and correct, and certify that a true copy has been furnished to:

1. The Clerk's Office
United States Court of Appeal
Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

2. Michael Eugene Cloninger
(Pro Se Appellee)
4220 Autumn Court
Canton, Georgia 30115

by depositing the foregoing Motion in the hand of prison officials for mailing via: U.S. Mail, this 4th day of September, 2018, by the undersigned.

Respectfully submitted

William Edward Cloninger
William Edward Cloninger
F.I.A. Doc # 647771
Marion Correctional Institution
P.O. Box 158
Dowell, Florida 32663-0158