UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

Nos. 17-3143, 18-2432, 18-2528

UNITED STATES OF AMERICA

v.

MICHAEL BALICE; MARION BALICE; ROSEWATER TRUST; INVESTORS BANK; AMBOY BANK; MEDICAL CARE MANAGEMENT SYSTEM; RICHARD TIEDEMANN; BARCLAYS BANK DELAWARE

Michael Balice,
Appellant

(D. N.J. No. 2-14-cv-03937)

SUR PETITION FOR REHEARING

Present: SMITH, Chief Judge, McKEE, AMBRO, CHAGARES, JORDAN, GREENAWAY, JR., VANASKIE, KRAUSE, RESTREPO, BIBAS, and NYGAARD,* Circuit Judges

The petition for rehearing filed by appellant in the above-entitled cases having been submitted to the judges who participated in the decision of this Court and to all the

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* Pursuant to Third Circuit I.O.P. 9.5.3, Judge Richard L. Nygaard's vote is limited to panel rehearing.

other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the panel and the Court en banc, is denied.

BY THE COURT,

s/ Richard L. Nygaard
Circuit Judge

Dated: November 5, 2018
Tmm/cc: Michael Balice
Paul A. Allulis, Esq.
Joan I. Oppenheimer, Esq.
Craig L. Steinfeld, Esq

BLD-299 **August 30, 2018**

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. Nos. **17-3143, 18-2432, and 18-2528 (consolidated)**

UNITED STATES OF AMERICA

VS.

MICHAEL BALICE; ET AL.

Michael Balice, Appellant

(D.N.J. Civ. No. 2-14-cv-03937)

Present: RESTREPO, BIBAS and NYGAARD, Circuit Judges

Submitted are:

(1) By the Clerk, in C.A. No. 17-3143, for possible dismissal due to a jurisdictional defect;

(2) By the Clerk, in C.A. No. 17-3143, for possible dismissal pursuant to 28 U.S.C. § 1915(e)(2) or summary action pursuant to Third Circuit LAR 27.4 and I.O.P. 10.6;

(3) Appellee United States of America's (hereinafter "Appellee") response to the Clerk's letter listing C.A. No. 17-3143 for possible dismissal due to a jurisdictional defect;

(4) Appellee's response, filed in C.A. No. 17-3143, to the Clerk's March 26, 2018 order directing the parties to address the effect of the March 23, 2018 order entered by the United States Bankruptcy Court for the District of New Jersey on this appeal;

(5) Appellant's "Motion to Take Jurisdiction from the District Court," filed in C.A. No. 17-3143;

(6) Appellee's response to Appellant's "Motion to Take Jurisdiction from the District Court," filed in C.A. No. 17-3143;

(Continued)

(7) Appellant's "Motion to Determine the Specific Subject Matter Jurisdiction of the Federal Courts That Can Lawfully be Taken over This Civil Action" (hereinafter "Motion to Determine"), filed in C.A. No. 17-3143;

(8) Appellee's response to Appellant's "Motion to Determine," filed in C.A. No. 17-3143;

(9) By the Clerk, in C.A. No. 18-2432, for possible summary action pursuant to Third Circuit LAR 27.4 and I.O.P. 10.6;

(10) Appellant's "Motion to Void the Summary Judgment of the District Court for Lack of Subject-Matter Jurisdiction as Asserted" and reply in support of his "Motion to Determine," filed in C.A. No. 17-3143;

(11) Appellant's "Objection to Ex-Parte, Extra-Judicial Seizure of Property and Home Without an Appearance, Hearing, or Due Process and Motion for Hearing in the Circuit Court," filed in C.A. Nos. 17-3143 & 18-2432;

(12) Appellant's "Objection, Notice of Filing Error, and Motion to Correct the Record," filed in C.A. Nos. 17-3143 & 18-2432;

(13) By the Clerk, in C.A. No. 18-2528, for possible summary action pursuant to Third Circuit LAR 27.4 and I.O.P. 10.6; and

(14) Appellee's response to Appellant's "Objection to Ex-Parte, Extra-Judicial Seizure of Property and Home Without an Appearance, Hearing, or Due Process and Motion for Hearing in the Circuit Court," filed in C.A. Nos. 17-3143, 18-2432, and 18-2528

in the above-captioned case.

(Continued)

Respectfully,
Clerk

ORDER

Appellant has filed three appeals, each of which challenges decisions entered in District Court Case No. 2-14-cv-03937. The Clerk has consolidated these appeals for all purposes. To the extent that Appellant seeks to sever C.A. No. 18-2432 from the other two appeals, that request is denied.

Because each District Court decision challenged in C.A. Nos. 17-3143 and 18-2432 is also challenged in C.A. No. 18-2528, we hereby dismiss C.A. Nos. 17-3143 and 18-2432 as duplicative of C.A. No. 18-2528. Turning to C.A. No. 18-2528, that appeal challenges fifteen District Court decisions, nine decisions issued by the Magistrate Judge, and one order entered by the District Court Clerk. The challenge to the District Court Clerk's order is moot in light of the District Court's subsequent order entered July 13, 2015. As for the decisions issued by the Magistrate Judge, Appellant did not appeal them to the District Court in the first instance. Accordingly, we lack jurisdiction to consider them. See Siers v. Morrash, 700 F.2d 113, 116 (3d Cir. 1983). Lastly, for substantially the reasons given by the District Court in its fifteen decisions at issue here, we conclude that Appellant's challenges to those decisions do not present a substantial question. Accordingly, we hereby summarily affirm those District Court decisions. See 3d Cir. I.O.P. 10.6. Appellant's various motions, each of which we liberally construe as having been filed in C.A. No. 18-2528, are denied. To the extent that Appellant alleges that the District Court ordered his eviction without notice, that allegation is belied by the record. On October 17, 2017, nearly eight months before Appellant's alleged eviction, the District Court ordered that Appellant had 30 days to vacate the premises. To the extent that Appellant seeks any other relief from this Court, that relief is denied.

By the Court,

s/Richard L. Nygaard
Circuit Judge

Dated: September 7, 2018
tmm/cc: Michael Balice
Paul A. Allulis
Joan I. Oppenheimer

Additional material from this filing is available in the Clerk's Office.