

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

FILED  
United States Court of Appeals  
Tenth Circuit

November 24, 2020

Christopher M. Wolpert  
Clerk of Court

JOHN H. SCHOPPE,

Plaintiff - Appellant,

v.

STATE OF UTAH; WORKFORCE  
SERVICES; MEDICAID; USA; SOCIAL  
SECURITY ADMINISTRATION;  
MEDICARE; INTERNAL REVENUE  
SERVICE; DEPARTMENT OF JUSTICE,

Defendants - Appellees.

No. 20-4111  
(D.C. No. 1:20-CV-00082-DB)  
(D. Utah)

ORDER AND JUDGMENT\*

Before **BRISCOE**, **BALDOCK**, and **CARSON**, Circuit Judges.\*\*

Plaintiff-Appellant John H. Schoppe filed a complaint in the United States District Court for the District of Utah alleging his constitutional rights have been violated by “unlawful violation of the separation of powers through administrative agencies powers” and “bureaucratic abuses.” For these alleged violations, he sought

\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

\*\* After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist in the determination of this appeal. See Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

\$200,000,000 in damages and injunctive relief. The district court referred the action to Magistrate Judge Bennett pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Bennett issued a report and recommendation concluding that Plaintiff's complaint is legally frivolous and should be dismissed with prejudice for failure to state a claim. After overruling Plaintiff's objections, the district court adopted the report and recommendation in its entirety and dismissed this action with prejudice.

Plaintiff now appeals the final judgment, asserting the district court erred in dismissing his complaint. But Plaintiff fails to present any legally or factually adequate basis for reversal. In a well-reasoned report and recommendation, Magistrate Judge Bennett explained why—even under a liberal interpretation—Plaintiff's allegations fail to support any viable claim for relief. The district court reviewed Plaintiff's objections de novo, as required by 28 U.S.C. § 636(b)(1)(C), and wholly adopted the report and recommendation. For the purpose of resolving this appeal, we have thoroughly reviewed the record and Plaintiff's appellate brief. We discern no reversible error. Where the district court correctly analyzes an issue, we see no useful purpose in writing at length. Therefore, exercising jurisdiction under 28 U.S.C. § 1291, we AFFIRM for substantially the same reasons set forth in Magistrate Judge Bennett's report and recommendation and the district court's order adopting the same.

Entered for the Court

Bobby R. Baldock  
Circuit Judge

**UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT  
OFFICE OF THE CLERK**

Byron White United States Courthouse  
1823 Stout Street  
Denver, Colorado 80257  
(303) 844-3157

Christopher M. Wolpert  
Clerk of Court

January 19, 2021

Jane K. Castro  
Chief Deputy Clerk

Mr. D. Mark Jones  
United States District Court for the District of Utah  
351 South West Temple  
Salt Lake City, UT 84101

**RE: 20-4111, Schoppe v. State of Utah, et al**  
Dist/Ag docket: 1:20-CV-00082-DB

Dear Clerk:

Pursuant to Federal Rule of Appellate Procedure 41, the Tenth Circuit's mandate in the above-referenced appeal issued today. The court's November 24, 2020 judgment takes effect this date.

Please contact this office if you have questions.

Sincerely,



Christopher M. Wolpert  
Clerk of the Court

cc: John H. Schoppe

CMW/mlb

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT  
OFFICE OF THE CLERK

Byron White United States Courthouse  
1823 Stout Street  
Denver, Colorado 80257  
(303) 844-3157

Christopher M. Wolpert  
Clerk of Court

November 24, 2020

Jane K. Castro  
Chief Deputy Clerk

John H. Schoppe  
983 West Willow Garden Paseo  
Farmington, UT 84025

RE: 20-4111, Schoppe v. State of Utah, et al  
Dist/Ag docket: 1:20-CV-00082-DB

Dear Appellant:

Enclosed is a copy of the order and judgment issued today in this matter. The court has entered judgment on the docket pursuant to Fed. R. App. P. Rule 36.

Please contact this office if you have questions.

Sincerely,



Christopher M. Wolpert  
Clerk of the Court

Public Info:

1-202-479-3211

CMW/mlb

12/4/2020 - U.S.S.C. - 1-202-479-3000

U.S. Mail:

Supreme Court of the United States  
1 First Street, NE  
Washington, DC 20543

Clerk: 1-202-479-3011

2:34 PM

Sent email requesting Petition form. - JH

10:34 AM -

Cannot find  
(?) my email in  
"Sent" to print  
JH

**UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT  
OFFICE OF THE CLERK**

Byron White United States Courthouse  
1823 Stout Street  
Denver, Colorado 80257  
(303) 844-3157

Christopher M. Wolpert  
Clerk of Court

October 21, 2020

Jane K. Castro  
Chief Deputy Clerk

Mr. John H. Schoppe  
983 West Willow Garden Paseo  
Farmington, UT 84025

**RE: 20-4111, Schoppe v. State of Utah, et al**  
Dist/Ag docket: 1:20-CV-00082-DB

Dear Appellant:

The court has received and docketed your appeal. Please note your case number above.

Attorneys must complete and file an entry of appearance form within 14 days of the date of this letter. *See* 10th Cir. R. 46.1(A). Pro se parties must complete and file an entry of appearance form within thirty days of the date of this letter. An attorney who fails to enter an appearance within that time frame will be removed from the service list for this case, and there may be other ramifications under the rules. If an appellee does not wish to participate in the appeal, a notice of non-participation should be filed via ECF as soon as possible. The notice should also indicate whether counsel wishes to continue receiving notice or service of orders issued in the case.

The court will forward all forms, letters and orders to you via US Mail. If you wish to change the method of service from US Mail to email, you must make that request in writing and provide this office a valid email address. Requests to change the method of service must come via regular US Mail and may not be emailed. Please note that by providing the court with a valid email address you consent to receive all orders/letters issued by the court via "notices of docket activity" (NDAs). Paper copies will not be mailed to you. When you receive an email "NDA" a link to the order/letter that has been issued will appear in the notice; you are entitled to one free "look" at the document and should download it at that time. The document will appear as a PDF so you must have the ability to view PDFs. Finally, if your email address changes you must notify the court immediately. It is your responsibility to maintain your email address.

You will receive further instructions regarding prosecution of this appeal from the court within the next few weeks.

Please contact this office if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Wolpert', with a long horizontal line extending to the right.

Christopher M. Wolpert  
Clerk of the Court

CMW/klp

**APPENDIX B    United States District Court District of Utah –  
Northern Division**

MIME-Version:1.0 From:utd\_enotice@utd.uscourts.gov To:ecf\_notice@localhost.localdomain Bcc:  
Message-Id:<4707500@utd.uscourts.gov>Subject:Activity in Case 1:20-cv-00082-DBB Schoppe v.  
State of Utah et al Case Assigned/Reassigned Content-Type: text/html

This is an automatic e-mail message generated by the CM/ECF system. If you need assistance,  
call the Help Desk at (801)524-6100.

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free copy and 30 page limit do not apply.

**US District Court Electronic Case Filing System**

**District of Utah**

**Notice of Electronic Filing**

The following transaction was entered on 1/28/2021 at 1:24 PM MST and filed on 1/28/2021

Case Name: Schoppe v. State of Utah et al

Case Number: 1:20-cv-00082-DBB

Filer:

**WARNING: CASE CLOSED on 10/14/2020**

Document Number: 16(No document attached)

**Docket Text:**

Case Reassigned to Judge David Barlow. Judge Dee Benson no longer assigned to the case.  
Case number will now read 1:20-cv-00082-DBB. Please make changes to document captions  
accordingly. (nl)

1:20-cv-00082-DBB Notice has been electronically mailed to:

1:20-cv-00082-DBB Notice has been delivered by other means to:

John H. Schoppe

983 W WILLOW GARDEN PASEO

FARMINGTON, UT 84025



United States District Court  
District of Utah



D. Mark Jones  
Clerk of Court

Anne W. Morgan  
Chief Deputy Clerk

October 21, 2020

John H. Schoppe  
983 W WILLOW GARDEN PASEO  
FARMINGTON, UT 84025

RE: NOTICE OF APPEAL  
Schoppe v. State of Utah et al  
Plaintiff/Appellant Defendant/Appellee  
Lower Docket: 1:20-cv-00082-DB

Dear Appellant:

Attached are the following documents in connection with the Notice of Appeal filed in the above captioned case:

Copy of the Notice of Appeal (filed 10/21/2020)  
Copy of the Docket Sheet  
Order or Judgment being appealed from

The record on appeal will be transmitted to the Court of Appeals at a later date in accordance with the Rules of Court for the U.S. Court of Appeals for the 10th Circuit. This case does not contain any sealed entries or documents.

Sincerely,

D. Mark Jones, Clerk

By:/s/ Lindsey Pagel

Lindsey Pagel  
Deputy Clerk

DMJ:  
cc: Clerk, U.S. Court of Appeals, Tenth Circuit  
Judge Dee Benson  
Court Reporter: NA  
Counsel of Record  
District: 1088  
Fee Status: IFP Pending

MIME-Version: 1.0 From: utd\_enotice@utd.uscourts.gov To: ecf\_notice@localhost.localdomain Bcc: Message-Id: <4626891@utd.uscourts.gov> Subject: Activity in Case 1:20-cv-00082-DB Schoppe v. State of Utah et al USCA Case Number Content-Type: text/html

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**US District Court Electronic Case Filing System**

**District of Utah**

**Notice of Electronic Filing**

The following transaction was entered on 10/22/2020 at 10:23 AM MDT and filed on 10/22/2020

**Case Name:** Schoppe v. State of Utah et al

**Case Number:** 1:20-cv-00082-DB

**Filer:**

**WARNING: CASE CLOSED on 10/14/2020**

**Document Number:** 14

**Docket Text:**

USCA Case Number Case Appealed to Tenth Case Number 20-4111 for [11] Notice of Appeal filed by John H. Schoppe. (jrj)

1:20-cv-00082-DB Notice has been electronically mailed to:

1:20-cv-00082-DB Notice has been delivered by other means to:

John H. Schoppe

983 W WILLOW GARDEN PASEO

FARMINGTON, UT 84025

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1060034973 [Date=10/22/2020] [FileNumber=4626889-0] [c01851abda1dbe8c472517db1d76f6b91872da33ce0a4d55255c8f7752b29e37ae1069635056dc3b9a0a4f1e13057d7a490108b67e6d9097b7e628bfee1e0ace]]

MIME-Version:1.0 From:utd\_enotice@utd.uscourts.gov To:ecf\_notice@localhost.localdomain Bcc:  
Message-Id:<4626348@utd.uscourts.gov>Subject:Activity in Case 1:20-cv-00082-DB Schoppe v.  
State of Utah et al Transmission of Preliminary Record to USCA Content-Type: text/html

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the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of  
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free copy and 30 page limit do not apply.

US District Court Electronic Case Filing System

District of Utah

Notice of Electronic Filing

The following transaction was entered on 10/21/2020 at 3:57 PM MDT and filed on 10/21/2020

Case Name: Schoppe v. State of Utah et al

Case Number: 1:20-cv-00082-DB

Filer:

WARNING: CASE CLOSED on 10/14/2020

Document Number: 13

Docket Text:

Transmission of Preliminary Record to USCA re [11] Notice of Appeal as to 10th Circuit.  
(Attachments: # (1) Appendix)(lnp)

1:20-cv-00082-DB Notice has been electronically mailed to:

1:20-cv-00082-DB Notice has been delivered by other means to:

John H. Schoppe

983 W WILLOW GARDEN PASEO

FARMINGTON, UT 84025

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1060034973 [Date=10/21/2020] [FileNumber=4626346-0] [a0459f70053eae103039100684c7be73701ae314554350cca02ca4bc29c393448a5d77bb5ad5192a1bd495edf30ae3e67012500ec86912610694c66083174edd]]

**Document description:**Appendix

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1060034973 [Date=10/21/2020] [FileNumber=4626346-1] [4ea712d712ff8aef5a047ad5d8ee62a25db7fe8cddce13aba27f0b10f374e05ee2c48e270af8169faeabb23098e166462236aeec96ca3dd2a7a533ecc0543a4b]]

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

JOHN H. SCHOPPE,

Plaintiff,

v.

STATE OF UTAH, et al.,

Defendants.

**JUDGMENT IN A CIVIL CASE**

Case No. 1:20-cv-00082-DB-JCB

District Judge Dee Benson

Magistrate Judge Jared C. Bennett

IT IS ORDERED AND ADJUDGED that the Report and Recommendation of Magistrate Judge Bennett is ADOPTED and this action is DISMISSED WITH PREJUDICE.

DATED this 14th day of October, 2020.

BY THE COURT:



Dee Benson

United States District Judge

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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH - NORTHERN DIVISION

---

JOHN H. SCHOPPE

Plaintiff,

v.

---

STATE OF UTAH,  
WORKFORCE SERVICES,  
MEDICARE,  
INTERNAL REVENUE SERVICE,  
DEPARTMENT OF JUSTICE,  
Et al.,

Defendants.

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Case No.

***1:20 - cv - 00082***

Assigned To: Benson, Dee

Assign. Date: 7/2/2020

**MOTION - OBJECTION**

I, Plaintiff, John H. Schoppe, Pro Se, move and vehemently object to the findings of Judge Jared C. Bennett entered on 9/14/2020 on the following basis:

1. The court's conclusion that Plaintiff's "complaint fails to state claims upon which relief can be granted", apparently did not take into consideration all the references and materials mentioned and or provided, including over 4,000 pages of book findings supporting the case and controversy. Plaintiff finds this failure unacceptable and as in all these court's findings an attempt to disregard, sidestep/bypass, all the U.S. Constitutional claims, et al.

This and the Exhibit One book mentioned like the other book pages were not reduced to 8 ½" x 11" copies for submission due to consideration of the (PRA) Paper Reduction Act 44 USC § 3501 et seq. (1980), the assumption that the court, if deemed necessary, could either access them digitally, request them, or acknowledge their claims, and Plaintiff's lack of funds to do so. Also, Plaintiff, as stated in the complaint deems the evidence and claims stated are more than adequate and the court in these findings fails to support and substantiate otherwise.

2. As to the "frivolous in nature" claim, it is itself frivolous and despite the litany of legalese reeks of "Let them eat cake (brioche)". This claim is inaccurate, inappropriate, offensive, and unacceptable and by no means applicable to Plaintiff's assertions.

3. As to the request to deny the Motion:

*"Plaintiff is to suffer irreparable harm and damages without preliminary relief due to the already and inevitable protraction of the case causing further financial, mental, physical and other damages due to loss of employment due to Covid19, Utah WFS denying Unemployment Benefits and Social Security's reductions in benefit amounts;*

*3. The balance of equities between the parties support an immediate injunction;*

*4. The injunction is in the public interest and equity under the law.  
Appeals to WFS, IRS, and SS.*

*5. Justice delayed is justice denied."*

Plaintiff objects and includes herewith the following items as further substantiation of the claims, motions and damages:

AARP The Magazine August/September 2020 pages 63 and <sup>64</sup>63 stating that, "The system is broken down", meaning the medical treatment of Seniors. (2 pages)

Utah Division of Real Estate IDW October 19-20, 2020. (1 page)

State of Utah Department of Commerce Annual Report/Renewal Notice. (1 page)

State of UT Dept. of Commerce Notice of Professional License Renewal. (1 page)

WFS UI Notice of Benefit Denial. (1 page)

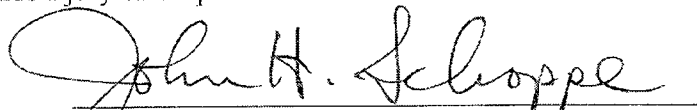
WFS Notice of Appeal with Verification Checklist. (2 pages)

Dr. Griffin, MD letter dated 9/11/2020 showing Covid19 risks.

Dr. Michael Adjei-Poku, MD letter dated 9/11/2011 on Covid19 risks.

And this is just this month. Does that seem "frivolous"? Plaintiff objects and demands all actions requested and demands a jury of his peers who know bureaucratic abuses.

Dated: September 21, 2020

  
John H. Schoppe, Social Security # 529-54-8235  
983 West Willow Garden Paseo  
Farmington, UT 84025  
801-462-7029 - Cell

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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH

---

**JOHN H. SCHOPPE,**

**Plaintiff,**

**v.**

**STATE OF UTAH, et al.,**

**Defendants.**

**REPORT AND RECOMMENDATION**

**Case No. 1:20-cv-00082-DB-JCB**

**District Judge Dee Benson**

**Magistrate Judge Jared C. Bennett**

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District Judge Dee Benson referred this case to Magistrate Judge Jared C. Bennett under 28 U.S.C. § 636(b)(1)(B).<sup>1</sup> The court notes that pro se Plaintiff John H. Schoppe (“Mr. Schoppe”) has been permitted to proceed in forma pauperis under 28 U.S.C. § 1915 (“IFP Statute”).<sup>2</sup> Before the court are: (1) the review of Mr. Schoppe’s complaint<sup>3</sup> under the authority of the IFP Statute, (2) Mr. Schoppe’s motion to “allow a book” as an exhibit to his complaint,<sup>4</sup> and (3) his motion for preliminary injunctive relief.<sup>5</sup> As discussed below, this case should be dismissed, and Mr. Schoppe’s other two motions fail as a matter of law.

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<sup>1</sup> ECF No. 5.

<sup>2</sup> ECF No. 2.

<sup>3</sup> ECF No. 3.

<sup>4</sup> ECF No. 4.

<sup>5</sup> ECF No. 6.

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## **BACKGROUND**

Mr. Schoppe's complaint names as defendants the State of Utah; Workforce Services; Medicaid; the United States of America; Social Security; the Internal Revenue Service; the Department of Justice; and "all entities, Administrative Agencies, and parties included by practice, definition and/or acts such as the University of Utah, Division of Occupational & Professional Licensing, jointly and severally" (collectively, "Defendants").<sup>6</sup> Mr. Schoppe's complaint contains the following allegations in support of his claims:

- Mr. Schoppe has "exhausted Administrative Remedies or . . . been defeated in exhausting remedy for the damages done over decades by Defendants."<sup>7</sup>
- The "damages done" by Defendants "provides overwhelming, incontrovertible, and irrefutable evidence . . . of the systematic abuses by the 'Fourth Branches of Governments' [and] Administrative Agencies on Federal, State, and Local levels."<sup>8</sup>
- "Both the State of Utah['s] and the United States of America['s] Constitutional protections of Separation of Powers, Proportionality, Due Process, Equality, and most others enumerated in the Bill of Rights, and especially the objectives of the very Founding Fathers of this great nation have been and are violated by the arbitrary, capricious, and malicious practices of Defendants."<sup>9</sup>
- Mr. Schoppe's "endless, fruitless dealings with faceless bureaucrats lack transparency and accountability which defeat [his]

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<sup>6</sup> ECF No. 3 at 1.

<sup>7</sup> *Id.* at 2.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* (internal quotations omitted).

ability to obtain remedy and stop the wrongful abuses perpetrated by Defendants.”<sup>10</sup>

- Mr. Schoppe believes that the “aspirational goals and endeavors” of equality, life, liberty, and the pursuit of happiness set forth in the Declaration of Independence “have been undermined, subverted, and effectively destroyed” since the date of the Declaration of Independence, “and most dramatically since President D. Eisenhower’s [f]arewell address to the nation on January 17, 1961[,], where he advocated the nation to guard against the potential influence of the military-industrial complex.”<sup>11</sup>
- Mr. Schoppe claims that he “will establish that it is now the Military-Industrial-Academic-Administrative State-Commerce-Media-Political Party complex (MIAASCMPP) and Elites all over the planet Earth that have conspired, or acted effectively to arbitrarily, capriciously, maliciously, and criminally . . . destroy/deny to all other parties worldwide like” Mr. Schoppe.<sup>12</sup>
- Defendants, “through their adoption and exercise of the Administrative Law Acts[,], have overwhelmingly betrayed . . . and bastardized all four rights of equality, life, liberty, and the pursuit of happiness of” Mr. Schoppe.<sup>13</sup>

Based upon those allegations, Mr. Schoppe asserts—in all capital letters—causes of action for: (1) “UNLAWFUL VIOLATION OF THE SEPARATION OF POWERS THROUGH ADMINISTRATIVE AGENCIES POWERS”; (2) “PHYSICAL, MENTAL, EMOTIONAL, SPIRITUAL, FINANCIAL, SOCIAL, ECONOMIC, AND PROFESSIONAL DAMAGES”; and

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<sup>10</sup> *Id.*

<sup>11</sup> *Id.* (internal quotations and emphasis omitted).

<sup>12</sup> *Id.* (emphasis omitted).

<sup>13</sup> *Id.* at 4 (emphasis omitted).

(3) “BUREAUCRATIC ABUSES.”<sup>14</sup> Mr. Schoppe also seeks unspecified injunctive relief in his complaint and asks that the court “hold Defendants guilty of aforesaid violations and award [him] the damages sought.”<sup>15</sup> Mr. Schoppe claims that he “has no adequate remedy at law” and that “[w]ithout Court intervention and award of damages, [he] will suffer more actual and irreparable financial, economic, physical, mental, emotional, career, familial, and professional damages and injury.”<sup>16</sup>

In his request for relief, Mr. Schoppe seeks: (1) “compensatory damages and punitive damages in an amount not less than \$200,000,000.00”; (2) prejudgment interest; (3) unspecified injunctive relief; and (4) court costs “arising out of [D]efendants’ abuse, negligence, incompetence, constructive conspiracy, malfeasance, [and] deprivation of [his] life, liberty, and pursuit of happiness.”<sup>17</sup>

On the same date he filed his complaint, Mr. Schoppe filed his motion to “allow a book” as an exhibit to his complaint.<sup>18</sup> Thereafter, he filed his motion for preliminary injunctive relief.<sup>19</sup>

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<sup>14</sup> *Id.* (emphasis omitted).

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.* (emphasis omitted).

<sup>18</sup> ECF No. 4.

<sup>19</sup> ECF No. 6.

## LEGAL STANDARDS

To review Mr. Schoppe's complaint under the authority of the IFP Statute, this court must consider two legal standards. First, the court considers the law pertaining to failure to state a claim on which relief can be granted under Fed. R. Civ. P. 12(b)(6). Second, the court considers the legal standards relating to frivolous claims. Each legal standard is set forth below.

### **I. Failure to State a Claim**

Whenever the court authorizes a party to proceed without payment of fees under the IFP Statute, the court is required to "dismiss the case at any time if the court determines that . . . the action . . . fails to state a claim on which relief may be granted." 28 U.S.C. § 1915(e)(2)(B)(ii). In determining whether a complaint fails to state a claim for relief under the IFP Statute, the court employs the same standard used for analyzing motions to dismiss for failure to state a claim under Fed. R. Civ. P. 12(b)(6). *Kay v. Bemis*, 500 F.3d 1214, 1217-18 (10th Cir. 2007). Under that standard, the court "look[s] for plausibility in th[e] complaint." *Id.* at 1218 (quotations and citations omitted) (second alteration in original). More specifically, the court "look[s] to the specific allegations in the complaint to determine whether they plausibly support a legal claim for relief. Rather than adjudging whether a claim is 'improbable,' '[f]actual allegations [in a complaint] must be enough to raise a right to relief above the speculative level.'" *Id.* (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555-56 (2007)) (other quotations and citation omitted) (second and third alterations in original).

Additionally, Fed. R. Civ. P. 8 is incorporated into the court's Rule 12(b)(6) analysis. *U.S. ex rel. Lemmon v. Envirocare of Utah, Inc.*, 614 F.3d 1163, 1171 (10th Cir. 2010). Rule

8(a)(2) requires that a complaint contain “a short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). “A pleading that offers ‘labels and conclusions’ or ‘a formulaic recitation of the elements of a cause of action will not do.’ Nor does a complaint suffice if it tenders ‘naked assertion[s]’ devoid of ‘further factual enhancement.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Twombly*, 550 U.S. at 555, 557) (citations omitted) (alteration in original). “Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.” *Id.* Rule 8 requires, at least, that the allegations of a complaint put the defendant fairly on notice of the claims against him. *Twombly*, 550 U.S. at 555. The twin purposes of a complaint are to give the opposing party fair notice of the basis for the claims against him so that he may respond and to allow the court to conclude that the allegations, if proven, show that the plaintiff is entitled to relief. *Monument Builders of Greater Kan. City, Inc. v. Am. Cemetery Ass’n of Kan.* 891 F.2d 1473, 1480 (10th Cir. 1989).

In analyzing Mr. Schoppe’s complaint, the court is mindful that he is proceeding pro se and that “[a] pro se litigant’s pleadings are to be construed liberally and held to a less stringent standard than formal pleadings drafted by lawyers.” *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991); *see also, e.g., Ledbetter v. City of Topeka, Kan.*, 318 F.3d 1183, 1187 (10th Cir. 2003). However, it is not “the proper function of the district court to assume the role of advocate for the pro se litigant,” *Bellmon*, 935 F.2d at 1110, and the court “will not supply additional facts, nor will [it] construct a legal theory for [a pro se] plaintiff that assumes facts that have not been pleaded.” *Dunn v. White*, 880 F.2d 1188, 1197 (10th Cir. 1989) (*per curiam*). Indeed, as the Court of Appeals for the Tenth Circuit stated,

[t]he broad reading of [a pro se] plaintiff's complaint does not relieve the plaintiff of the burden of alleging sufficient facts on which a recognized legal claim could be based. . . . [C]onclusory allegations without supporting factual averments are insufficient to state a claim on which relief can be based. This is so because a pro se plaintiff requires no special legal training to recount the facts surrounding his alleged injury, and he must provide such facts if the court is to determine whether he makes out a claim on which relief can be granted. Moreover, in analyzing the sufficiency of the plaintiff's complaint, the court need accept as true only the plaintiff's well-pleaded factual contentions, not his conclusory allegations.

*Bellmon*, 935 F.2d at 1110 (citations omitted). After reviewing a pro se plaintiff's complaint under the IFP Statute, the court may dismiss the complaint for failure to state a claim "only where it is obvious that the plaintiff cannot prevail on the facts he has alleged and it would be futile to give him an opportunity to amend." *Kay*, 500 F.3d at 1217 (quotations and citation omitted).

## **II. Frivolousness**

The IFP Statute also permits the court to dismiss Plaintiff's amended complaint if its allegations are frivolous. 28 U.S.C. § 1915(e)(2)(B)(i) (providing that under the IFP Statute, the court is required to "dismiss the case at any time if the court determines that . . . the action . . . is frivolous"). As to frivolousness under the IFP Statute, the United States Supreme Court has stated that "a complaint . . . is frivolous where it lacks an arguable basis either in law or in fact. . . . [The IFP Statute]'s term 'frivolous,' when applied to a complaint, embraces not only the inarguable legal conclusion, but also the fanciful factual allegation." *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). In fact, the Court said that the IFP Statute

accords judges not only the authority to dismiss a claim based on an indisputably meritless legal theory, but also the unusual power to pierce the veil of the complaint's factual allegations and dismiss those claims whose factual contentions are clearly baseless. Examples of the former class are claims against which it is clear that the defendants are immune from suit . . . and claims of infringement of a legal interest which clearly does not exist . . . . Examples of the latter class are claims describing fantastic or delusional scenarios . . . .

*Id.* at 327-28; *see also Denton v. Hernandez*, 504 U.S. 25, 33 (1992); *Bellmon*, 935 F.2d at 1108-10.

### **ANALYSIS**

As noted above, before the court are: (1) the review of Mr. Schoppe's complaint<sup>20</sup> under the authority of the IFP Statute, and (2) Mr. Schoppe's motion to "allow a book" as an exhibit to his complaint<sup>21</sup> and motion for preliminary injunctive relief.<sup>22</sup> The court will address those matters in turn. Based upon the following analysis, the court concludes that this action should be dismissed with prejudice under the authority of the IFP Statute and that Mr. Schoppe's motions should be denied.

#### **I. Review of Mr. Schoppe's Complaint Under the IFP Statute.**

Mr. Schoppe's complaint should be dismissed because it fails to state a claim upon which relief can be granted and is frivolous. Each reason for dismissing the complaint is addressed in order below.

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<sup>20</sup> ECF No. 3.

<sup>21</sup> ECF No. 4.

<sup>22</sup> ECF No. 6.

**A. Mr. Schoppe's Complaint Fails to State Claims Upon Which Relief Can Be Granted.**

After reviewing Mr. Schoppe's complaint, the court concludes that all the factual allegations therein are conclusory in nature and, therefore, fail to satisfy the minimum pleading standards required under Rule 8(a)(2) and Rule 12(b)(6). Mr. Schoppe fails to make any specific allegations about Defendants' alleged actions. Instead, he makes only conclusory allegations devoid of any factual support or enhancement. Thus, he has failed to make sufficient allegations to state any claims upon which relief can be granted. *Bellmon*, 935 F.2d at 1110 (providing that the "broad reading" accorded to a pro se plaintiff's complaint "does not relieve the plaintiff of the burden of alleging sufficient facts on which a recognized legal claim could be based" and that "conclusory allegations without supporting factual averments are insufficient to state a claim on which relief can be based").

Even if factually supported, Mr. Schoppe's causes of action still fail to state a claim because they fail as a matter of law. His claims for "UNLAWFUL VIOLATION OF THE SEPARATION OF POWERS THROUGH ADMINISTRATIVE AGENCIES POWERS"<sup>23</sup> and "BUREAUCRATIC ABUSES"<sup>24</sup> are not recognized causes of action and, therefore, must fail. Mr. Schoppe's only other remaining substantive cause of action is for "PHYSICAL, MENTAL, EMOTIONAL, SPIRITUAL, FINANCIAL, SOCIAL, ECONOMIC, AND PROFESSIONAL

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<sup>23</sup> ECF No. 3 at 4.

<sup>24</sup> *Id.*



DAMAGES.”<sup>25</sup> Even if the court were to construe that claim as a cognizable tort claim, it would fail for two reasons. First, to the extent it is a state-law tort claim, this court should decline to exercise supplemental jurisdiction over it because Mr. Schoppe has not stated any cognizable federal claims. 28 U.S.C. § 1367(c)(3); *Andrews v. Andrews*, No. CIV-05-0110-HE, 2006 WL 771578, at \*2 (W.D. Okla. Mar. 27, 2006) (“[B]ecause the complaint fails to state a federal claim, to the extent it does allege a claim or claims under state law, the court declines to exercise its supplemental jurisdiction to consider them.”). Second, to the extent it could be liberally construed as a claim against the United States under the Federal Tort Claims Act (“FTCA”), Mr. Schoppe has failed to allege that he has exhausted the prerequisites to maintain such a claim. *Glaser v. City, Cnty. of Denver, Colo.*, No. CIVA08CV02269LTBBNB, 2010 WL 936093, at \*4 (D. Colo. Jan. 28, 2010) (providing that “[i]n order to maintain a claim under the FTCA, a plaintiff must comply with several strictly construed prerequisites to suit” and dismissing the plaintiff’s FTCA claim based, in part, upon his failure to demonstrate that he exhausted his administrative remedies), *report and recommendation adopted*, No. CIVA08CV02269LTBBNB, 2010 WL 936083 (D. Colo. Mar. 15, 2010).

For those reasons, the court concludes that Mr. Schoppe’s complaint fails to state claims upon which relief can be granted. Having reached that conclusion, the court again recognizes that it may dismiss Mr. Schoppe’s complaint for failure to state claims upon which relief can be granted only if “it is obvious that [he] cannot prevail on the facts he has alleged and it would be

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<sup>25</sup> *Id.*

futile to give him an opportunity to amend.” *Kay*, 500 F.3d at 1217 (quotations and citation omitted). The court concludes that it would be futile to provide Mr. Schoppe with an opportunity to amend his complaint because, given the analysis set forth above, Mr. Schoppe could not provide any additional, plausible allegations that would save any of his claims from dismissal.

**B. Mr. Schoppe’s Complaint Is Frivolous.**

The court also concludes that Mr. Schoppe’s complaint is frivolous. As noted above, the IFP Statute’s term “frivolous” includes complaints that contain “fanciful factual allegation[s],” *Neitzke*, 490 U.S. at 325, that “rise to the level of the irrational or the wholly incredible, whether or not there are judicially noticeable facts available to contradict them.” *Denton*, 504 U.S. at 33. The term “frivolous” also includes complaints containing “claims of infringement of a legal interest which clearly does not exist.” *Neitzke*, 490 U.S. at 327. Based upon the foregoing summary of Mr. Schoppe’s complaint, the court concludes that it falls squarely within those two categories. Therefore, his complaint should be dismissed as frivolous under the IFP Statute.

**II. Mr. Schoppe’s Motions Should Be Denied.**

Mr. Schoppe has filed a motion to “allow a book” as an exhibit to his complaint<sup>26</sup> and a motion for preliminary injunctive relief.<sup>27</sup> Both of those motions should be denied.

Mr. Schoppe’s first motion should be denied because he makes no effort to explain how the book is relevant to his complaint. Furthermore, given the court’s analysis of Mr. Schoppe’s

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<sup>26</sup> ECF No. 4.

<sup>27</sup> ECF No. 6.

complaint above, the court does not see how consideration of the book could possibly save his claims from dismissal.

Mr. Schoppe's second motion should likewise be denied. To succeed on a motion for preliminary injunction, Mr. Schoppe must show, among other things, that he is likely to succeed on the merits of this claims. *Schrier v. Univ. of Colo.*, 427 F.3d 1253, 1258 (10th Cir. 2005) (providing that a required element for a preliminary injunction is substantial likelihood of success on the merits). Consistent with the foregoing analysis of Mr. Schoppe's complaint, the court concludes that he cannot establish a substantial likelihood of success on the merits of his claims. Therefore, he is not entitled to a preliminary injunction.<sup>28</sup>

#### **CONCLUSION AND RECOMMENDATION**

Based on the foregoing, the court concludes that Mr. Schoppe's complaint fails to state claims upon which relief can be granted. 28 U.S.C. § 1915(e)(2)(B)(ii). The court also concludes that Mr. Schoppe's complaint is frivolous in nature. *Id.* § 1915(e)(2)(B)(i). For those two reasons, IT IS HEREBY RECOMMENDED that this action be DISMISSED WITH PREJUDICE under the authority of the IFP Statute. *Id.* § 1915(e)(2)(B)(i)-(ii).

IT IS FURTHER RECOMMENDED that Mr. Schoppe's motion to "allow a book" as an exhibit to his complaint<sup>29</sup> and motion for preliminary injunctive relief<sup>30</sup> be DENIED.

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<sup>28</sup> This reasoning applies with equal weight to the request for injunctive relief in Mr. Schoppe's complaint.

<sup>29</sup> ECF No. 4.

<sup>30</sup> ECF No. 6.

Copies of this Report and Recommendation are being sent to all parties, who are hereby notified of their right to object. *Id.* § 636(b)(1); Fed. R. Civ. P. 72(b). The parties must file any objection to this Report and Recommendation within 14 days after being served with a copy of it. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Failure to object may constitute waiver of objections upon subsequent review.

DATED September 14, 2020.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Jared C. Bennett', is written over a horizontal line.

JARED C. BENNETT  
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH - NORTHERN DIVISION

RECEIVED CLERK

SEP 04 2020

U.S. DISTRICT COURT

RECEIVED CLERK

SEP 04 2020

U.S. DISTRICT COURT

JOHN H. SCHOPPE

Plaintiff,

v.

STATE OF UTAH,  
WORKFORCE SERVICES,  
MEDICAID,  
UNITED STATES OF AMERICA,  
SOCIAL SECURITY,  
MEDICARE,  
INTERNAL REVENUE SERVICE,  
DEPARTMENT OF JUSTICE,  
Et al.,

Defendants.

Case No.

**1:20 - cv - 00082**

Assigned To: Benson, Dee

Assign. Date: 7/2/2020

**MOTION** for preliminary injunctive  
relief against Defendants the United  
States of America Social Security,  
and State of Utah Workforce  
Services.

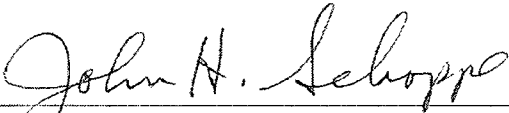
I, Plaintiff, John H. Schoppe, Pro Se, move for immediate injunctive relief against Defendants United States of America Social Security and State of Utah Workforce Services under Utah Code § 13-5-14 as well as the Due Process Clause of the United States Constitution and the Utah State Constitution. statute and for the following reasons:

1. Plaintiff is likely to succeed on the merits of the claims, that Plaintiff is married to Yolanda Jo Spano by still being sealed/married in the LDS Temple ordinance;

2. Plaintiff is to suffer irreparable harm and damages without preliminary relief due to the already and inevitable protraction of the case causing further financial, mental, physical and other damages due to loss of employment due to Covid19, Utah WFS denying Unemployment Benefits and Social Security's reductions in benefit amounts;

3. The balance of equities between the parties support an immediate injunction;
4. The injunction is in the public interest and equity under the law.  
Appeals to WFS, IRS, and SS.
5. Justice delayed is justice denied.

Dated: September 4, 2020

  
\_\_\_\_\_  
John H. Schoppe, Social Security [REDACTED]  
983 West Willow Garden Paseo  
Farmington, UT 84025  
801-462-7029 - Cell

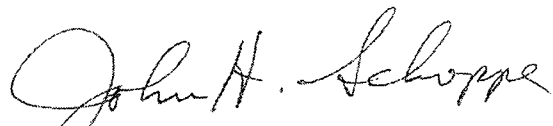
Certificate of Service

I certify that on September 4, 2020 a copy of the above motion was served by fax to:

Social Security Administration  
Office of Hearings Operations  
Room 3102  
125 South State Street  
Salt Lake City, UT 84138-1107  
Tel: (877) 628-6579  
**FAX: 1-801-524-3348**

Department of Workforce Services  
Appeals Unit  
Box 45244  
Salt Lake City, UT 84145-0244  
Phone: 801-526-9300  
**FAX: 1-801-526-9242**

Dated: September 4, 2020

  
\_\_\_\_\_  
John H. Schoppe

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO 3319  
DESTINATION TEL # 98015269242  
DESTINATION ID  
ST. TIME 09/04 08:36  
TIME USE 01'32  
PAGES SENT 3  
RESULT OK

## FAX

September 4, 2020

RE: WFS UI Social Security # 529-54-8235.

TO: Department of Workforce Services Appeals Unit  
P.O. Box 45244  
Salt Lake City, UT 84145-0244  
Phone: 801-526-4400  
**FAX: 1-801-526-9242**

From: John H. Schoppe  
983 W. Willow Garden Paseo  
Farmington, UT 84025  
801-738-2981 - Home  
801-462-7039- Mobile  
[JohnSchoppe@aol.com](mailto:JohnSchoppe@aol.com)

NOTE: Enclosed is the following document:

Motion for Preliminary Injunctive Relief in the United States District  
Court, District of Utah – Northern Division (2 pages).

1

# HARMONS

## NEIGHBORHOOD GROCERIES

Welcome to Salt Lake City

Fri Sep 04, 2020 09:07 AM

Pole: 34584

Space: 2800

Time: 09:07 AM

Date: 09/04/2020

Paid: \$ 2.25

Auth: 03907

EXPIRES:

09/04/2020

10:07 AM

PLEASE RETAIN TICKET  
AS PROOF OF PAYMENT  
NOT REQUIRED TO BE  
DISPLAYED ON DASH

HARMONS STATION PARK  
200 STATION PARKWAY  
FARMINGTON, UTAH 84025

801-928-2600

Your Cashier Today Is: RACHAEL E

MR	FAX SERVICE	6.00 Q
	TAX	0.00
***	BALANCE	6.00

AUTH #: 084018

HARMONS  
200 STATION PARKWAY  
FARMINGTON UT. 84025  
801-928-2600

TYPE: Purchase

ACCT: US DEBIT 6.00

CARD NUMBER: \*\*\*\*\*7508

DATE: 09/04/20 TIME: 08:40am

REFERENCE #: C

TERMINAL: 20

AID: A0000000980840

TVR: 8000088000

TST: 6800

CREDIT CARD 6.00

CHANGE 0.00

TOTAL NUMBER OF ITEMS SOLD = 0  
09/04/20 08:40am 7 20 1 619

\*\*\*FOR MORE SAVINGS JOIN OUR\*\*\*

\*\*\*FOODIE CLUB TO EARN FREEBIES\*\*\*

\*\*\*FUEL DISCOUNTS AND MORE\*\*\*

PLEASE TELL US HOW WE'RE DOING  
<http://bit.ly/msharmonsfeedback>



MIME-Version:1.0 From:utd\_enotice@utd.uscourts.gov To:ecf\_notice@localhost.localdomain Bcc: Message-Id:<4562483@utd.uscourts.gov>Subject:Activity in Case 1:20-cv-00082-DB Schoppe v. State of Utah et al Order on Motion for Leave to Proceed in forma pauperis Content-Type: text/html

This is an automatic e-mail message generated by the CM/ECF system. If you need assistance, call the Help Desk at (801)524-6100.

\*\*\*NOTE TO PUBLIC ACCESS USERS\*\*\* Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

## US District Court Electronic Case Filing System

### District of Utah

#### Notice of Electronic Filing

The following transaction was entered on 8/6/2020 at 3:22 PM MDT and filed on 8/6/2020

Case Name: Schoppe v. State of Utah et al

Case Number: 1:20-cv-00082-DB

Filer:

Document Number: 2

#### Docket Text:

ORDER granting [1] Motion for Leave to Proceed in forma pauperis. Signed by Magistrate Judge Cecilia M. Romero on 08/06/2020. (jl)

1:20-cv-00082-DB Notice has been electronically mailed to:

1:20-cv-00082-DB Notice has been delivered by other means to:

John H. Schoppe

983 W WILLOW GARDEN PASEO

FARMINGTON, UT 84025

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp\_ID=1060034973 [Date=8/6/2020] [FileNumber=4562481-0]  
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4d6c34ef0ac1e3aaa6583fc9ebff22ddec58d592ee49e26c590170cf3ea5]]

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# United States District Court

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District of Utah

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John H. Schoppe

v.

State of Utah et al

**ORDER ON APPLICATION  
TO PROCEED WITHOUT  
PREPAYMENT OF FEES**

Case Number: 1:20-cv-00082-DB

Having considered the application to proceed without prepayment of fees under 28 U.S.C. 1915;

IT IS ORDERED that the application is:

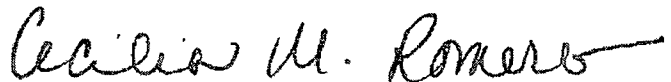


GRANTED.



DENIED, for the following reasons:

ENTER this 6 day of August, 2020



*Signature of Judicial Officer*

Cecilia M. Romero, U.S. Magistrate Judge

*Name and Title of Judicial Officer*

**Motions**

1:20-cv-00082-DB Schoppe v.  
State of Utah et al

PROSE

Print Mailing Packets

US District Court Electronic Case Filing System

District of Utah

**Notice of Electronic Filing**

The following transaction was entered on 8/6/2020 at 3:25 PM MDT and filed on 8/6/2020

Case Name: Schoppe v. State of Utah et al

Case Number: 1:20-cv-00082-DB

Filer: John H. Schoppe

Document Number: 4

Docket Text:

MOTION To allow book as an exhibit filed by Plaintiff John H. Schoppe. (jl)

1:20-cv-00082-DB Notice has been electronically mailed to:

1:20-cv-00082-DB Notice has been delivered by other means to:

John H. Schoppe  
983 W WILLOW GARDEN PASEO  
FARMINGTON, UT 84025

The following document(s) are associated with this transaction:

Document description: Main Document

Original filename: n/a

Electronic document Stamp:

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**Complaints and Other Initiating Documents**1:20-cv-00082-DB Schoppe v. State of Utah et al

Print Mailing Packets

**US District Court Electronic Case Filing System****District of Utah****Notice of Electronic Filing**

The following transaction was entered on 8/6/2020 at 3:25 PM MDT and filed on 8/6/2020

Case Name: Schoppe v. State of Utah et al

Case Number: 1:20-cv-00082-DB

Filer: John H. Schoppe

Document Number: 3**Docket Text:****COMPLAINT** against Department of Justice, IRS, Medicaid, Medicare, Social Security Administration, State of Utah, USA, Workforce Services **(Originally received by the court on 07/02/2020)**. (Fee Status: IFP) filed by John H. Schoppe. (Attachments: # (1) Civil Cover Sheet 1) Assigned to Judge Dee Benson (jl)

1:20-cv-00082-DB Notice has been electronically mailed to:

1:20-cv-00082-DB Notice has been delivered by other means to:

John H. Schoppe  
983 W WILLOW GARDEN PASEO  
FARMINGTON, UT 84025

The following document(s) are associated with this transaction:

**Document description:Main Document****Original filename:**n/a**Electronic document Stamp:**[STAMP dcccStamp\_ID=1060034973 [Date=8/6/2020] [FileNumber=4562484-0]  
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faddc06e1b16790b98c42110e59276fb817f2d335e308b2cc5fe7020fe6]]

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

John H. Schoppe

(b) County of Residence of First Listed Plaintiff

DAVIS

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Pro se

## DEFENDANTS

State of Utah, et al.

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

JUL 02 2020

U.S. DISTRICT COURT

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff☒ 3 Federal Question (U.S. Government Not a Party)☐ 2 U.S. Government Defendant☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State

PTF DEF  
☒ 1 ☐ 1

Incorporated or Principal Place of Business In This State

PTF DEF  
☐ 4 ☐ 4

Citizen of Another State

☐ 2 ☐ 2

Incorporated and Principal Place of Business In Another State

☐ 5 ☐ 5

Citizen or Subject of a Foreign Country

☐ 3 ☐ 3

Foreign Nation

☐ 6 ☐ 6

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1595(f)) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input checked="" type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input checked="" type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS--Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input checked="" type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input checked="" type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input checked="" type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

## V. ORIGIN (Place an "X" in One Box Only)

☒ 1 Original Proceeding☐ 2 Removed from State Court☐ 3 Remanded from Appellate Court☐ 4 Reinstated or Reopened☐ 5 Transferred from Another District (specify)☐ 6 Multidistrict Litigation - Transfer☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

"Separation of Powers"

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:  
JURY DEMAND: ☐ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See Instructions):

JUDGE

DATE

July 2, 2020

SIGNATURE OF ATTORNEY OF RECORD

John H. Schoppe

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

Case: 1:20-cv-00082

Assigned To : Oberg, Daphne A.

Assign. Date : 7/2/2020

Description: Schoppe v State of Utah et al

JUL 02 2020

UNITED STATES DISTRICT COURT  
for the

U.S. DISTRICT COURT

John H. Schoppe  
 Plaintiff/Petitioner  
 STATE OF UTAH, v. MEDICAID,  
 WORK FORCE SERVICES, U.S.A.,  
 MEDICARE, Defendant/Respondent  
 IRS, DOS, et al.

Case: 1:20-cv-00082  
 Assigned To : Benson, Dee  
 Assign. Date : 7/2/2020  
 Description: Schoppe v State of Utah  
 et al

APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS  
(Short Form)

I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested.

In support of this application, I answer the following questions under penalty of perjury:

1. If incarcerated. I am being held at:

N/A

If employed there, or have an account in the institution, I have attached to this document a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account in my name. I am also submitting a similar statement from any other institution where I was incarcerated during the last six months.

2. If not incarcerated. If I am employed, my employer's name and address are:

Furloughed and Leave of Absence (LOA).

My gross pay or wages are: \$ 850.<sup>00</sup>, and my take-home pay or wages are: \$ 850.<sup>00</sup> per  
 (specify pay period) week.

3. Other Income. In the past 12 months, I have received income from the following sources (check all that apply):

- |  |   |  |
|--|---|--|
| (a) Business, profession, or other self-employment | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| (b) Rent payments, interest, or dividends          | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| (c) Pension, annuity, or life insurance payments   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| (d) Disability, or worker's compensation payments  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| (e) Gifts, or inheritances                         | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| (f) Any other sources                              | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.

\$ 810.<sup>00</sup>/month from Social Security.

4. Amount of money that I have in cash or in a checking or savings account: \$ 2,500.<sup>00</sup>

5. Any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that I own, including any item of value held in someone else's name (describe the property and its approximate value): 1986 - Mercedes - Value \$2,000.<sup>00</sup> - Debt \$4,366.75

6. Any housing, transportation, utilities, or loan payments, or other regular monthly expenses (describe and provide the amount of the monthly expense):

\$ 762.<sup>00</sup> - Rent (1/2)  
 207.<sup>00</sup> - Auto loan - Utah First Credit Union (\$4,366.75)  
 100.<sup>00</sup> - VISA - MACU (\$1,711.55 - Balance)  
 100.<sup>00</sup> - MasterCard - Capital One (\$100.12 - Balance)  
 100.<sup>00</sup> - MasterCard - Smiths (\$300.<sup>00</sup> - Balance)  
 100.<sup>00</sup> - Silver Visa - (\$2,289.57) \$155.<sup>00</sup> - MACU - LOAN (\$5,686.61)  
 1,000.<sup>00</sup> - Food, Gas, Supplies. (+)?

7. Names (or, if under 18, initials only) of all persons who are dependent on me for support, my relationship with each person, and how much I contribute to their support:

Jeri R. Schoppe (Spouse) \$250.<sup>00</sup>/month

8. Any debts or financial obligations (describe the amounts owed and to whom they are payable):

\$152,870.<sup>72</sup> - IRS  
 \$7,000.<sup>00</sup> - James Packer  
 \$4,000.<sup>00</sup> - Dale Grant

Note:

\* Plaintiff is one pay check away from becoming homeless!

Declaration: I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

Date: July 2, 2020

John H. Schoppe  
 Applicant's signature

John H. Schoppe  
 Printed name

John H. Schoppe, Plaintiff  
Name  
983 West Willow Garden Paseo  
Farmington, UT 84025  
Address  
801-462-7039-Cell  
Telephone

RECEIVED CLERK  
JUL 02 2020  
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

\_\_\_\_\_  
Plaintiff,  
  
vs.  
  
\_\_\_\_\_  
Defendant(s).

MOTION to/for: \_\_\_\_\_  
\_\_\_\_\_

Case: 1:20-cv-00082  
Assigned To : Benson, Dee  
Assign. Date : 7/2/2020  
Description: Schoppe v State of Utah  
et al

I, John H. Schoppe, representing myself without a  
lawyer, move to/for Allow a book "Unmasking the Administrative  
under the following statute(s)/rule(s) (if known) state" by John Marin  
The Paper Reduction Acts. for the  
following reason(s): I am too poor, old, and tired  
to make 340 (8 1/2" X 11") copies of each  
page of the book and as exhibit #1  
of this case it is essential. Also,  
the book is much more manageable,  
and more expensive than copies.



\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
DATED: July 2, 2020

John H. Schappe  
Signature

Certificate of Service

I certify that on \_\_\_\_\_ a copy of the above motion was served, by first  
class U.S. mail, fax, or hand-delivery, to \_\_\_\_\_ at  
(Opposing party or counsel)

\_\_\_\_\_  
(Address)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH - NORTHERN DIVISION

RECEIVED CLERK

JUL 02 2020

U.S. DISTRICT COURT

JOHN H. SCHOPPE

Plaintiff,

v.

Case No. \_\_\_\_\_

**TRIAL BY JURY  
IS DEMANDED**

STATE OF UTAH,  
WORKFORCE SERVICES,  
MEDICAID,  
UNITED STATES OF AMERICA,  
SOCIAL SECURITY,  
MEDICARE,  
INTERNAL REVENUE SERVICE,  
DEPARTMENT OF JUSTICE,  
Et al.,

Defendants.

Case: 1:20-cv-00082  
Assigned To : Benson, Dee  
Assign. Date : 7/2/2020  
Description: Schoppe v State of Utah  
et al

**COMPLAINT**

Plaintiff, John H. Schoppe, Pro Se, files the following Complaint against defendants, the State of Utah ("Utah"), Workforce Services ("WFS"), Medicaid ("Med"), the United States of America ("USA"), Social Security (SS), Internal Revenue Service (IRS), Department of Justice (DOJ) and Et al. (EA) meaning all entities, Administrative Agencies, and parties included by practice, definition and/or acts such as the University of Utah, Division of Occupational & Professional Licensing, jointly and severally.

Plaintiff seeks (a) compensatory damages and punitive damages in an amount not less than **\$200,000,000.00**, (b) prejudgment interest on the principal sum awarded by the Jury from July 4, 2020 to the date of Judgment at the rate of interest provided in Federal, State, and/or Local Statute, Rule, or Regulation, (c) injunctive relief, and (d) court costs - arising out of defendants' abuse, negligence, incompetence, constructive conspiracy, malfeasance, deprivation of Plaintiff's life, liberty, and pursuit of happiness.

## **I. INTRODUCTION**

1. Plaintiff having exhausted Administrative Remedies or having been defeated in exhausting remedy for the damages done over decades by Defendants provides overwhelming, incontrovertible, and irrefutable evidence, though just a small sampling, of the systematic abuses by the “Fourth Branches of Governments”, Administrative Agencies on Federal, State, and Local levels. All books listed in the appeals to WFS, SS, and IRS, including Exhibit 1: **Unmasking the Administrative State** book, and materials and references to books, sources, and documents cited and/or included in this complaint are incorporated herein by this reference as evidence. The sheer volume of supportive evidence, of which only a very, very small representation is provided in this Complaint and the length of time, Plaintiff’s lifetime and the existence of the United States of America is more than staggering and challenging to even reference in this legal document but necessary to provide the context in which this Complaint is rooted. Plaintiff reserves the right to present all evidence, witnesses, sources, etc. if and when needed at trial, but Plaintiff considers those presented as more than adequate to prove the case and controversy.

2. Both the State of Utah and the United States of America Constitutional protections of “Separation of Powers”, “Proportionality”, “Due Process”, “Equality”, and most others enumerated in the Bill of Rights, and especially the objectives of the very Founding Fathers of this great nation have been and are violated by the arbitrary, capricious, and malicious practices of Defendants.

3. Plaintiff’s endless, fruitless dealings with faceless bureaucrats lack transparency and accountability which defeat Plaintiff’s ability to obtain remedy and stop the wrongful abuses perpetrated by Defendants.

This is the Two-Hundredth and Forty-fourth (244<sup>th</sup>) year from the ratification on July 4, 1776 by the Second Continental Congress of the all important **Declaration of Independence**, which is the “Heart and Soul” of the Constitution of the United States of America by declaring: “We hold these truths to be self-evident, that all men are created **equal**, that they are endowed by their Creator with certain unalienable rights, that among these are **Life, Liberty** and the **Pursuit of happiness**.”.

Plaintiff believes that all four, “**equality**”, “**Life, Liberty** and the **Pursuit of happiness**” aspirational goals and endeavors have been undermined, subverted, and effectively destroyed over this 244 year period and most dramatically since President D. Eisenhower’s “Farewell address to the nation” on January 17, 1961” where he advocated the nation to guard against the potential influence of the “**military-industrial complex**”.

Plaintiff will establish that it is now the **Military-Industrial-Academic-Administrative State-Commerce-Media-Political Party complex (MIAASCMPP)** and Elites all over the planet Earth that have conspired, or acted effectively to arbitrarily, capriciously, maliciously, and criminally to destroy/deny to all other parties worldwide like Plaintiff.

## **II. PARTIES**

4. Plaintiff, John H. Schoppe ("Schoppe" or "Plaintiff"), see Resume included herein and Exhibit 1, age seventy-six (76) is a resident of Utah and a citizen of the United States of America, a descendant of the Pilgrims, (Sir John Sweet), Mormon Pioneers (Ebenezer Brown), Robert Schopp, etc.

5. Defendant, the State of Utah, (Utah).

6. Defendant, Workforce Services, (WFS).

7. Defendant, Medicaid, (Med).

8. Defendant, The United States of America (USA) as established by the Constitution of the United States of America and the Declaration of Independence upon which it was established

9. Defendant, Social Security, (SS).

10. Defendant, the Internal Revenue Service, (IRS).

11. Defendant, the Department of Justice, (DOJ).

12. Defendants, Et al., simply for purposes of examples and for inclusion in this Complaint the University of Utah and the Utah Division of Occupational & Professional Licensing, are mentioned in particular, but all entities party to the issues, substance, and subject of this Complaint are by this reference included.

## **III. JURISDICTION AND VENUE**

13. The United States District Court of Utah - Northern Division has jurisdiction of this matter, see <http://www.uscourts.gov>.

14. The Defendants are subject to personal jurisdiction in Utah pursuant to Utah's long-arm statute, § 78-27-24 as well as the Due Process Clause of the United States Constitution and the Utah State Constitution. The Defendants, inclusive of all parties public, private, and personally in their respective roles, offices, and duties are subject to general personal jurisdiction in Utah, and they all engage in continuous and systematic business, both Governmental, public, and private, in Utah. The United States District Court of Utah has personal jurisdiction over them and comports with the traditional notions of fair play and substantial justice and is consistent with the Due Process Clauses of both the United States and Utah Constitutions.

15. Venue is proper in the United States District Court of Utah, Northern Division. (see <http://www.uscourts.gov>)

#### **IV. STATEMENT OF ADDITIONAL MATERIAL FACTS**

16. Utah, WFS, Med, USA, SS, IRS, DOJ, and EA through their adoption and exercise of the Administrative Law Acts have overwhelmingly betrayed, and bastardized all four rights of equality, life, liberty, and the pursuit of happiness of Plaintiff. Plaintiff restates paragraphs 1 through 15 of his Complaint, and incorporates them herein by reference.

#### **COUNT 1 - UNLAWFUL VIOLATION OF THE SEPARATION OF POWERS THROUGH ADMINISTRATIVE AGENCIES POWERS**

17. Plaintiff restates paragraphs 1 through 16 of his Complaint, and incorporates them herein by reference.

#### **COUNT II - PHYSICAL, MENTAL, EMOTIONAL, SPIRITUAL, FINANCIAL, SOCIAL, ECONOMIC, AND PROFESSIONAL DAMAGES**

18. Plaintiff restates paragraphs 1 through 17 of his Complaint, and incorporates them herein by reference.

19. As a citizen of the United States of America and Utah, Plaintiff has a fundamental constitutional interest and entitlement to the uninterrupted enjoyment of "Life, liberty, and the pursuit of happiness" as defined by the Founding Fathers of the United States of America and Utah. As a direct result of Defendant's actions, Plaintiff has suffered presumed damages and actual damages, including but not limited to, denial of rights, privileges, damages to physical, mental, and emotional health, as well as professional and career damages.

#### **COUNT III - BUREAUCRATIC ABUSES**

20. Plaintiff restates paragraphs 1 through 19 of his Complaint, and incorporates them herein by reference.

#### **COUNT IV - INJUNCTION**

21. Plaintiff restates paragraphs 1 through 20 of his Complaint, and incorporates them herein by reference.

22. In order to provide remedy, vindication, and justice to Plaintiff, Plaintiff requests the Court (a) hold Defendants guilty of aforesaid violations and award Plaintiff the damages sought.

23. Plaintiff has no adequate remedy at law. Without Court intervention and award of damages, Plaintiff will suffer more actual and irreparable financial, economic, physical, mental, emotional, career, familial, and professional damages and injury.

24. There is ubiquitous and pervasive evidence and public support that Plaintiff should and must succeed on the merits of these claims.

**Other Documents included herewith**

25. Social Security Administration Notice of Decision - Unfavorable.

26. Department of the Treasury, Internal Revenue Service "Notice of certification of your seriously delinquent federal tax debt to the U.S. Department of State  
***Amount due: \$152,870.72 dated February 17, 2020.***

27. Resume of John H. Schoppe.

28. Appeals to WFS, IRS, and SS.

28. The following are texts/books supporting my case and controversy for damages of \$200,000,000.00 occurring during my lifetime as a citizen of the United States of America to be added to all other evidence presented in the different venues legal and public to give irrefutable evidence for providing vindication, damages, and reparations to John Herbert Schoppe, family, associates, and others affected by such illegal, corrupt, and immoral practices.

**TAILSPIN, The People and Forces Behind America's Fifty-Year Fall - and Those Fighting to Reverse It**, by Steven Brill, Alfred A. Knopf, New York, 2018, ISBN 9781524731632.

**ERASING AMERICA, Losing Our Future by Destroying Our Past**, by James S. Robbins, Regnery Publishing, 2018, ISBN 978-1-62157-816-1.

**THE DEEP STATE**, by Jason Chaffetz, Harper Collins Publishers, 2018, ISBN 978-0-06-285156-7.

**SHIP OF FOOLS**, by Tucker Carlson, Free Press, 2018, ISBN 978-1-5011-8366-9.

**THE DIVERSITY DELUSION**, by Heather Mac Donald, St. Martin's Press, 2018, ISBN 9781250200914.

**THE VANISHING AMERICAN ADULT**, by Ben Sasse, 2017, St. Martin's Press, ISBN 9781250114402.

**THE DEATH OF COMMON SENSE**, by Philip K. Howard, 1994, 2011, Random House, ISBN 978-0-8129-8274-9.

**A HISTORY OF CENTRAL BANKING, And The Enslavement of Mankind**, by Stephen Mitford Goodson, 2014, 2017, ISBN - 13: 978-1-910881-49-1.

**THE CREATURE FROM JEKYLL ISLAND**, by G. Edward Griffin, American Media, 1994, 2015, ISBN 978-0-912986-46-3.

**THE SCREWING OF THE AVERAGE MAN**, by David Hapgood, A Bantam Book Doubleday & Company, 1974, ISBN ?

**HOW THE RATS RE-FORMED THE CONGRESS**, by Ralph Nader, CSRL, 2018, ISBN 978-0-936758-08-4.

**THE TWO-INCOME TRAP**, by Elizabeth Warren and Amelia Warren Tyagi, Basic Books, 2003, ISBN -13 978-0-465-09090-7.

**WHEN CORPORATIONS RULE THE WORLD**, by David C. Korten, Berrett-Koehler Publishers, Inc., 1995, ISBN 1-887208-04-6.

29. RE: HEARING CASE NUMBER: **18-F-02170**

TO: Department of Workforce Services  
**APPEALS UNIT**  
Box 45244  
Salt Lake City, UT 84145-0244  
Phone: 801-526-9300  
**FAX: 1-801-526-9242**  
jobs.utah.gov/appeals/

From: John H. Schoppe  
983 W. Willow Garden Paseo  
Farmington, UT 84025  
801-738-2981 - Home  
801-462-7039- Mobile  
[JohnSchoppe@aol.com](mailto:JohnSchoppe@aol.com)

NOTE: I have confirmed my hearing (confirmation number 445659 and wish to add the following to my list of a potential Jury of my Peers on Exhibit 37 as **Exhibit 300**:

**The Two-Income Trap**, by Elizabeth Warren and Amelia Warren Tyagi, Basic Books, 2003, ISBN 978-0-465-09770-8.

**When Corporations Rule the World**, by David C. Korten, Kumarian Press, Inc., 1995, ISBN 1-887208-04-6.

**Senator Ben Sasse: Round 1 Questions in Kavanaugh Hearings**  
<https://www.youtube.com/watch?v=NhGithUGgyQ>

**Senator Ben Sasse: Round 2 Questions in Kavanaugh Hearing**  
<https://www.youtube.com/watch?v=VT2UUuTTBh4>

**Utah Constitution Article V, Section 1** regarding the Separation of Powers.

**Deconstructing Poverty Rates among the 65 and Older Population: Why Has Poverty Increased Since 2015?**, by Liana E. Fox, Ph.D., April 6, 2018  
<https://www.census.gov/content/dam/Census/library/working-papers/2018/demo/SEHSD-WP2018-13.pdf>

**The Federalist Papers**, by James Madison, Alexander Hamilton, and John Jay, SoHo Books, 1787.

*Cost of Illegal Immigration in Utah*, by Jerry Shaw,  
<https://www.newsmax.com/fastfeatures/illegal-immigration-cost-utah/2015/10/15/id/696296/>.

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30. August 9, 2019

TO: INTERNAL REVENUE SERVICE  
ACW SUPPORT – STOP 813G  
P.O. BOX 145566  
CINCINNATI, OH 45250-5566

FROM: John H. Schoppe, [REDACTED]  
983 West Willow Garden Paseo  
Farmington, UT 84025  
801-462-7039- Mobile  
[JohnSchoppe@aol.com](mailto:JohnSchoppe@aol.com)

RE: Offer in Compromise for Notice LT24 dated August 6, 2019  
Case reference number 2365985705.

Dear ACS Support:

In response to your Notice LT24, letter enclosed, I am providing the following:

1. Because I am seventy-five (75) years of age.
2. Because I am permanently handicapped, see enclosed Disabled Person form.
3. Because I am forced to work at minimal wages through the pain of my disabilities, see enclosed pay stub.
4. Because I am one paycheck away from being homeless, see enclosed pay stub.
5. Because I have Heart Disease.
6. Because the IRS actually owes me money on each of the years 2001 through 2007 but because the IRS wouldn't accept my returns but provided false and illegal calculation on theirs. See enclosed 1040 for 2001 as an example and every other return since 2007.
7. Because TAS has determined these claims Unenforceable.
8. Because of stated Constitutional violation claims filed in my petition to the United States Supreme Court.
9. Because of disputes with Social Security and other Administrative Agencies.
10. Because the fines are in excess of what I made in the years in question and not Proportional to equity or fairness and are arbitrary and capricious and therefore illegal.
11. Because these claims have kept me from my trained employment at great damage and losses in health, finances, and reputation.



12. Because I have been wrongfully denied IRC 501(c)(3) status for ACW: Advocates of the Common Wealth since the 1980s.
13. Because of being driven into bankruptcy twice due to Identity Theft, Medical bills, and these claims.
14. Because I am owed significant amounts of money but are uncollectible due to fraud and corruption.
15. Finally, because I have no assets, no money, barely able to keep my employment and I could die or be even more disabled any day.

So, I believe that these claims should be dismissed in total without prejudice. But in good faith to resolve these claims once and for all in total I am offering One-Hundred Dollars (\$100.00) for each of the claims totaling Seven-Hundred Dollars (\$700.00) upon your written acceptance. I will have to put this on a credit card because as stated above I have no assets, cash, etc.. This amounts to me having to work 52.72 more hours in pain as a slave to the IRS.

Please inform me of your disposition as soon as possible.

Sincerely,

---

31. September 9, 2019

TO: Social Security Administration  
Office of Hearings Operations  
Room 3102  
125 South State Street  
Salt Lake City, UT 84138-1107  
Tel: (877)628-6579/Fax: (801)524-3348

FROM: John H. Schoppe, [REDACTED]  
983 West Willow Garden Paseo  
Farmington, UT 84025  
801-462-7039- Mobile  
[JohnSchoppe@aol.com](mailto:JohnSchoppe@aol.com)

RE: Administrative Appeal NH 235-84-2733 March 20, 2018

Dear Social Security Office of Hearings Operations:

In response to your letter dated August 21, 2019 I am responding with the following:

Because Yolanda requested that I take my Social Security retirement as early as possible so she could receive the payments to the children John Peter Schoppe and Alexandra Grace Schoppe in addition to my child support payment and because that would reduce my Social Security benefits she agreed that she would make me beneficiary on her Social Security and other benefits to make me whole and to compensate for not contesting our divorce and leaving all the assets and estate to the children, and bailing her out of her real estate investments that she made with all the assets she received in the divorce. We cohabitated in Huntsville, North Ogden, and Salt Lake City, where I paid half the rents and half of her house payments and then I bought a house at her request at 7728 South Mountain Estates Drive, Salt Lake City, UT 84121 and upon her agreeing to stay there with the children for at least 3 years and to pay me rent so that I could make the house payments. Until May 8, 2001 when Yolanda sent me a letter stating that she was moving out and taking the children out of Utah, thereby, once again, betraying me, her commitments and, once again leaving me to suffer emotional, professional, and financial difficulties in the extreme and even contacting the ORS (Office of Recovery Services) on child support payments without cause and with me having overpaid my obligations even though she didn't pay hers to me. Eventually the stresses of trying to make up for her defaults I lost the house and over \$50,000 in equity and damages. So, technically, even though divorced we were together until 2001, more than ten (10) years.

Incorporated into this Appeal are Exhibit #1: FAX dated March 12, 2019; Exhibit #2 dated February 26, 2019; Franklin Covey Day Planner of John H. Schoppe for 2001 and any other of the years in question; and the book, Unmasking the Administrative State, by John A. Marini and Ken Masugi (Editor) 2019 by The Claremont Institute ISBN 9781641770248. All my US Constitutional claims that the Rules and Regulations stated in the denial of my claim are arbitrary, capricious, and malicious towards me and are a violation of the Separation of Powers and the spirit of the Founding Fathers in Governments being the "servant of the people" and my pursuit of Life, Liberty, and the Pursuit of Happiness.

And also because of the following:

1. Because I am seventy-five (75) years of age.
2. Because I am permanently handicapped, see enclosed Disabled Person form.
3. Because I am forced to work at minimal wages through the pain of my disabilities, see enclosed pay stub.
4. Because I am one paycheck away from being homeless, see enclosed pay stub.
5. Because I have Heart Disease.
6. Because the IRS actually owes me money on each of the years 2001 through 2007 but because the IRS wouldn't accept my returns but provided false and illegal calculation on theirs. See enclosed 1040 for 2001 as an example and every other return since 2007.

because the IRS wouldn't accept my returns but provided false and illegal calculation on theirs. See enclosed 1040 for 2001 as an example and every other return since 2007.

7. Because TAS has determined these claims Unenforceable.

8. Because of stated Constitutional violation claims filed in my petition to the United States Supreme Court.

9. Because of disputes with the IRS and other Administrative Agencies.

10. Because the IRS fines are in excess of what I made in the years in question and not Proportional to equity or fairness and are arbitrary and capricious and therefore illegal.

11. Because the IRS claims have kept me from my trained employment at great damage and losses in health, finances, and reputation.

12. Because I have been wrongfully denied IRC 501(c)(3) status for ACW: Advocates of the Common Wealth since the 1980s.

13. Because of being driven into bankruptcy twice due to Identity Theft, Medical bills, and these claims.

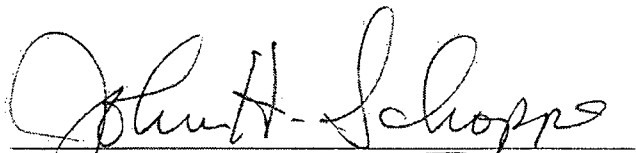
14. Because I am owed significant amounts of money but are uncollectible due to fraud and corruption.

15. Finally, because I have no assets, no money, barely able to keep my employment and I could die or be even more disabled any day.

So, I believe that my claim should be accepted in total without prejudice and without any deductions.

Please inform me of your disposition as soon as possible. Also, please address the following questions: How is it that Congress and the Senate and all the politicians in Washington, DC can enrich themselves but are unable to enrich those of us who have and are putting our hard-earned money into Social Security? Why do the "servants" of the "people" make more than the Master Sovereign People? And why did your receptionist hang up on my telephone call on 9/6/2019 hang up on me? Where is the transparency and accountability of Agency Bureaucrats? Social Security is NOT an ENTITLEMENT! We have earned it and deserve it.

Sincerely,



John H. Schoppe, [REDACTED]  
983 West Willow Garden Pasco  
Farmington, UT 84025  
801-462-7029 - Cell

## **CONCLUSION AND REQUEST FOR RELIEF**

WHEREFORE, Plaintiff, John H. Schoppe, Pro Se respectfully requests the Court to enter Judgment against Defendants, jointly and severally, as follows:

A. Compensatory damages in the amount of \$100, 000, 000.00 net of any and all reductions, or such greater amount as is determined by the Jury;

B. Punitive damages in the amount of \$100,000,000.00 net of any and all reductions, or the maximum amount allowed by law;

C. Prejudgment interest from May 12, 2018 until the date of Judgment is entered at the maximum rate allowed by law;

D. Post judgment interest at the rate of seven percent (7%) per annum until paid;

E. Attorney's Fees and Costs;

F. The University of Utah to award Plaintiff a Masters in Public Administration degree and Juris Doctor degree with honors.

G. SS (Social Security) to grant request.

H. IRS to cancel all prior claims and to give Plaintiff the IRC 501 (c) (3) Non-profit Letter of Determination requested for ACW: Advocates of the Common Wealth.

I. DOJ to pay Plaintiff for second Wells Fargo claim with monthly compound interest on both claims.

J. Such other relief as is just and proper.

Plaintiff appeals to *The Gettysburg Address* delivered by U.S.A. President Abraham Lincoln on November 19, 1863, at the Dedication Services on the Battle Field, just 87 years after the *United States Declaration of Independence*, and 157 years before today: "...that this nation, under God, shall have a new birth of freedom, and that the *government of the people, by the people, and for the people*, shall not perish from the earth."

**TRIAL BY JURY IS DEMANDED**



## SOCIAL SECURITY ADMINISTRATION

Office of Disability Adjudication and Review  
Room 3102  
125 S. State Street  
Salt Lake City, UT 84138-1107

Date: March 17, 2020

John H. Schoppe  
983 W. Willow Garden  
Pasco  
Farmington, UT 84025

### Notice of Decision – Unfavorable

I carefully reviewed the facts of your case and made the enclosed decision. Please read this notice and my decision.

#### **If You Disagree With My Decision**

If you disagree with my decision, you may file an appeal with the Appeals Council.

#### **How To File An Appeal**

To file an appeal you must ask in writing that the Appeals Council review my decision. You may use our Request for Review form (HA-520) or write a letter. The form is available at [www.socialsecurity.gov](http://www.socialsecurity.gov). Please put the Social Security number shown above on any appeal you file. If you need help, you may file in person at any Social Security or hearing office.

Please send your request to:

**Appeals Council  
Office of Disability Adjudication and Review  
5107 Leesburg Pike  
Falls Church, VA 22041-3255**

#### **Time Limit To File An Appeal**

You must file your written appeal **within 60 days** of the date you get this notice. The Appeals Council assumes you got this notice 5 days after the date of the notice unless you show you did not get it within the 5-day period.

The Appeals Council will dismiss a late request unless you show you had a good reason for not

Form HA-L76-OP2 (03-2010)

#### **Suspect Social Security Fraud?**

Please visit <http://oig.ssa.gov/r> or call the Inspector General's Fraud Hotline at 1-800-269-0271 (TTY 1-866-501-2101).

See Next Page



Department of the Treasury  
Internal Revenue Service  
Attn: Passport  
PO Box 8208  
Philadelphia, PA 19101-8208

027507.893632.494160.28228 1 AB 0.419 699



JOHN H SCHOPPE  
983 W WILLOW GARDEN PASEO  
FARMINGTON UT 84025-3874



027507



Notice	SB CP508C
Notice date	February 17, 2020
Taxpayer ID number	[REDACTED]
To contact us	Phone 855-519-4965 International +1-267-941-1004

Page 1 of 5

## Notice of certification of your seriously delinquent federal tax debt to the U.S. Department of State

### Amount due: \*

On December 4, 2015, as part of the Fixing America's Surface Transportation (FAST) Act, Congress enacted Section 7345 of the Internal Revenue Code, which requires the Internal Revenue Service to notify the U.S. Department of State of taxpayers certified as owing a seriously delinquent tax debt. The FAST Act generally prohibits the U.S. Department of State from issuing or renewing a passport to a taxpayer with seriously delinquent tax debt.

We have certified to the U.S. Department of State that your tax debt is seriously delinquent. This notice only includes the portion of your tax debt that has been certified to the U.S. Department of State as seriously delinquent, as defined below. You may have additional tax debt that is not included in this notice.

### Billing Summary

Amount of seriously delinquent tax debt owed	\$152,870.72
Additional interest charges	*
<b>Amount due by March 18, 2020</b>	<b>*</b>

\* Call for amount due.

### What you need to know

Seriously delinquent tax debt is tax debt (including penalties and interest) totaling more than \$53,000\* for which:

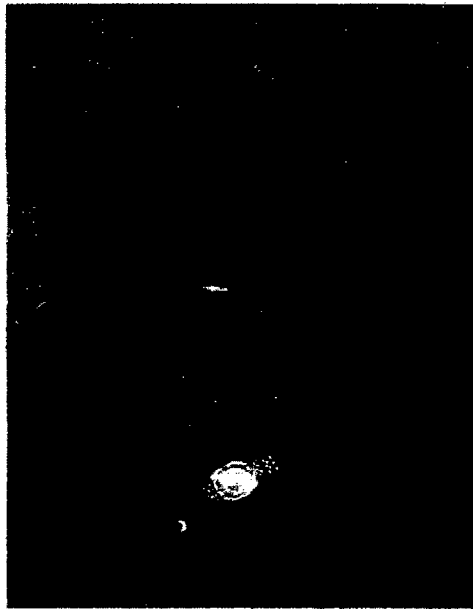
- We have filed a Notice of Federal Tax Lien and your administrative rights under Internal Revenue Code (IRC) Section 6320 have been exhausted or lapsed, OR
- We have, at any time, issued a levy to collect this debt.

\* The \$53,000 threshold is adjusted yearly for inflation.

If you apply for a passport or passport renewal, the State Department will deny your application and will not issue a passport to you or renew your current passport.

If you currently have a valid United States passport, the U.S. Department of State may revoke your passport or limit your pasport.

Continued on back...



## **John H. Schoppe**

983 W. Willow Garden Paseo  
Farmington, Utah 84025

(801) 738-2981 Home/Office

(801) 462-7039 Mobile

[JohnSchoppe@aol.com](mailto:JohnSchoppe@aol.com)

## Career Summary

- ❑ Systems Scientist, Entrepreneur, Educator, Author, CCIM, CFP, CLU, LUTC, DTM and DREI (Candidate). Certified Real Estate Instructor for all 120 hours of Pre-licensing instruction and 120 hours for Broker classes for over 40 years. Founder, Owner and Director of ACW: Advocates of the Common Wealth, Real Estate School and Brokerage. Call Center Consultant at AOL Ogden Retention Center, and trained the original Techs in Hardware and Software trouble shooting. Licensed Armed Security Officer with CBI Security, UPS, Allied Barton, and ABM Security for more than six years. Always **Number One** with Teleperformance and Convergys in sales and service. Work at home with Directv. Writer/Author of many courses, online and hard copy.
- ❑ Train the Trainer (Trainer-Facilitator Workshops) Instructor for Morton International's management (Airbag facilities) and various Manufacturing Managers conducted at Weber State University.
- ❑ Instructor in Information Systems at Ogden-Weber Applied Technology Center (O-WATC) and Custom-fit programs for customers like Hill Air Force Base. Classes included Computer Literacy to Novell Networking (CNE) Courses and software applications from Wordperfect to Groupwise.
- ❑ Over twenty years experience as an entrepreneur in the conception, formation, implementation and management of multiple industries (i.e., Service, Marketing, Manufacturing, and Advertising) both as a principal and as a consultant.
- ❑ Employed and trained by companies such as Franklin Covey, Equitable Life Assurance Society of the U.S.; Mutual of Omaha/United of Omaha; Jefferson Standard Life Insurance Company; Shearson Lehman Brothers Inc./American Express; The Law & Business Institute; Industria Briones, S.A.; and Century 21.
- ❑ Proven ability as executive and administrator in both national and international markets.
- ❑ Licensed and experienced in stocks, commodities, options and futures; insurance, variable annuities, real estate, and appraisal.
- ❑ Advanced working knowledge of finance, business and personal planning, marketing, organizational and management theory and practice.
- ❑ Designed, implemented and managed employee benefit programs.
- ❑ Bilingual: English and Spanish.
- ❑ Won First Place four times in Impromptu Speech Contest for the State of Utah; Second Place National twice. Also, placed for Business English competition.



## Education

- MPA program. University of Utah  
Chairman of MPASA Salt Lake City, Utah
- BS Political Science (1980) University of Utah  
Minors: Philosophy and Law Salt Lake City, Utah
- Pi Sigma Alpha (member since 1974)  
National Political Science Honor Society
- Finance, Economics, Real Estate Portland State University  
International Trade (1976-1978) Portland, Oregon
- Certified Financial Planner (1976) College for Financial Planning  
Denver, Colorado
- Real Estate Certificate (1965-1966) L.D.S. Business College  
Salt Lake City, Utah
- Language and Theology (1962) Brigham Young University  
Provo, Utah

Many other certificates and University hours covering the following subject matter:

Insurance	Real Estate	Securities
Marketing	Educational Psychology	Land-Use Planning
Management	Human Development and Organization	Computers

## Clubs and Organizations

REEA (Real Estate Educators Association) Director and candidate for D.R.E.I.

Toastmasters International – Key Club, Salt Lake City, Utah  
(Past President, Area Governor, District 15-Publicity Chairman, DTM)

Professional Life Insurance Marketing Association of Oregon  
(Founder and First President in the 1970's)

Salt Lake Board of Realtors, UAR and NAR

Wasatch Front Multiple Listing Service

## Interests

Family, church, friends, snow skiing, tennis, racquetball, fishing, sailing, chess, computers, and philanthropy.

Exhibit #1  
Plaintiff's  
Copy

# UNMASKING THE ADMINISTRATIVE STATE

The Crisis of American Politics  
in the Twenty-First Century

JOHN MARINI

Edited by Ken Masugi

UNMASKING THE  
ADMINISTRATIVE STATE

JOHN  
MARINI



No.

IN THE  
SUPREME COURT OF THE UNITED STATES

John H. Schoppe, Pro Se

- PETITIONER

VS.

State of Utah, Workforce Services, Medicaid, United States of America, Social Security, Medicare, Internal Revenue Service, Department of Justice, Et al.,

- RESPONDENT(S)

**PROOF OF SERVICE**

I, John H. Schoppe, do swear or declare that on this date, March 18<sup>th</sup>, 2021, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

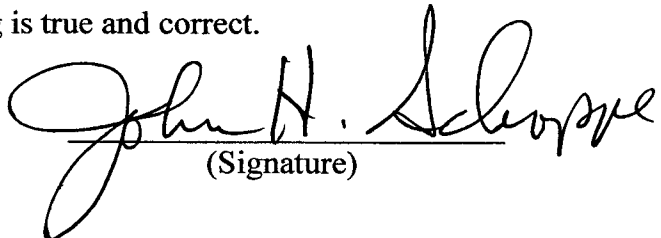
Social Security Administration  
Office of Hearings Operations  
Room 3102  
125 South State Street  
Salt Lake City, UT 84138-1107

Department of Workforce Services  
Appeals Unit  
Box 4544  
Salt Lake City, UT 84145-0244

Internal Revenue Service  
ACW SUPPORT – STOP 813G  
P.O. Box 145566  
Cincinnati, OH 45250-5566

Utah State Tax Commission  
DTS 210 N 1950 W  
Salt Lake City, UT 84134

I declare under penalty of perjury that the foregoing is true and correct.  
Executed on March 18<sup>th</sup>, 2021

  
(Signature)

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

Certified Mail Fee  
\$  
Extra Services & Fees (check box, add fee as appropriate)  
☐ Return Receipt (hardcopy) \$  
☐ Return Receipt (electronic) \$  
☐ Certified Mail Restricted Delivery \$  
☐ Adult Signature Required \$  
☐ Adult Signature Restricted Delivery \$

Postage  
\$  
Total Postage and Fees  
\$

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

Postmark  
Here

MAR 18 2021

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Certified Mail Fee  
\$  
Extra Services & Fees (check box, add fee as appropriate)  
☐ Return Receipt (hardcopy) \$  
☐ Return Receipt (electronic) \$  
☐ Certified Mail Restricted Delivery \$  
☐ Adult Signature Required \$  
☐ Adult Signature Restricted Delivery \$

Postage  
\$  
Total Postage and Fees  
\$

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047

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Certified Mail Fee  
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Extra Services & Fees (check box, add fee as appropriate)  
☐ Return Receipt (hardcopy) \$  
☐ Return Receipt (electronic) \$  
☐ Certified Mail Restricted Delivery \$  
☐ Adult Signature Required \$  
☐ Adult Signature Restricted Delivery \$

Postage  
\$  
Total Postage and Fees  
\$

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Street and Apt. No., or PO Box No.

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☐ Return Receipt (hardcopy) \$  
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☐ Certified Mail Restricted Delivery \$  
☐ Adult Signature Required \$  
☐ Adult Signature Restricted Delivery \$

Postage  
\$  
Total Postage and Fees  
\$

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

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MAR 18 2021

## **APPENDIX A    United States Court of Appeals for the Tenth Circuit**

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

JOHN H. SCHOPPE  
Plaintiff/Petitioner - Appellant,

Case No. **20 - 4111**,  
1:20-cv-00082 DB

v.

Appellant/Petitioner's Opening  
Brief

STATE OF UTAH,  
WORKFORCE SERVICES,  
MEDICAID,  
UNITED STATES OF AMERICA,  
SOCIAL SECURITY,  
MEDICARE,  
INTERNAL REVENUE SERVICE,  
DEPARTMENT OF JUSTICE,  
Et al.,  
Defendants/Respondents - Appellees.

**APPELLANT/PETITIONER'S OPENING BRIEF**

**1. Statement of the Case.** This case involves controversies that are ongoing and span more than fifty (50) years and a multitude of parties. It centers on the systematic and perpetual betrayal and abuses of Appellant/Petitioner and his rights under the Constitutions of the United States of America and the state of Utah by the named Defendants/Respondents - Appellees. Because of the number, size and scope of these betrayals, abuses, and their deleterious, and damaging effects on the Appellant/Petitioner it is not possible, due to the financial, health, and penury circumstances of Appellant/Petitioner to provide in detail each and every item, in the courts required format. Conditions caused directly and indirectly by Defendants/Respondents - Appellees. Nor does Appellant/Petitioner deem it necessary beyond the actual and referenced documents, sources, and parties named and filed in the district court complaint and motions. The illegal violation of Separation of Powers by federal, state, and local Administrative Agencies against Appellant/Petitioner is at the center of this case and controversy. The denial of a trial by a jury of peers is unacceptable in this case.

2. **Statement of Facts Relevant to the Issues Presented for Review.** The ubiquitous, pervasive, and obvious presence, to the public, of the stated abuses, violations, and harms they cause to citizens of the United States of America, and of Utah as stated in Appellant/Petitioner's filings in district court and all are relevant, unassailable and included herein by this reference.

3. **Statement of Issues.** All issues as stated in district court.

4. **Do you think the district court applied the wrong law?** Yes.

**What law do you want applied?** All stated in district court.

5. **Did the district court incorrectly decide the facts?** Yes.

**What facts?** All that were presented, especially over 4,000 plus books, documents, files, and references.

6. **Did the district court fail to consider important grounds for relief?** Yes.

**What grounds?** It is obvious that **ALL** of the issues, especially the Separation of Powers issues and the arbitrary, capricious, and malicious rules and regulations applied illegally, wrongfully, and harmfully to Appellant/Petitioner.

7. **Do you feel that there are any other reasons why the district court's judgment was wrong?** Yes.

**What?** It appears that the court chose to disregard **ALL** claims, ignore **ALL** evidence, and use a "process/procedural" excuse/reason to deny and dismiss the case. See **Objection** in documents. Because of the very extensive explanations of the details in this case, explanations that could only truly be addressed effectively in oral arguments to a jury of peers

8. **What action do you want this court to take in your case?**

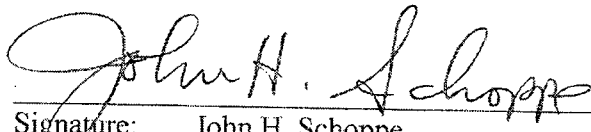
All ten (A. through J. in **Conclusion and Request for Relief** on page 11 of Complaint and grant the Motion for Injunctive Relief. Appellant/Petitioner is suffering further ongoing damages from both Social Security not granting the \$1,919.00 monthly benefit amount and Utah Work Force Services has stopped the Unemployment Benefits because they are demanding that Appellant/Petitioner apply for four jobs each week and take workshops, even though Appellant/Petitioner is furloughed from existing employment due to the extreme high risk to Covid19 due to being 76 years old with heart disease, and other disabilities. This example alone, where Appellant/Petitioner has to work to survive due to the financial, physical, and mental hardships created by Defendants/Respondents- Appellees, but needs the

Unemployment income for which he is qualified and entitled, but does not receive it because of the arbitrary, capricious, and malicious rules, in that it does not take into account the special circumstances of the Appellant/Petitioner. Ridiculous and inexcusable.

**9. Do you think the court should hear oral arguments in this case?**

Ideally the costs and inconvenience of oral arguments could be avoided if the court rules for Appellant/Petitioner. Otherwise, oral arguments should be heard.

November 6, 2020  
Date

  
Signature: John H. Schoppe  
983 West Willow Garden Paseo  
Farmington, UT 84025  
801-462-7039 - Cell



## CERTIFICATE OF SERVICE

I hereby certify that on November 6, 2020 I sent a copy of the Appellant/Petitioner's Opening Brief to the four following Defendants/Respondents - Appellees at their last known address by fax.

Social Security Administration  
Office of Hearings Operations  
Room 3102  
125 South State Street  
Salt Lake City, UT 84138-1107  
Tel: (877) 628-6579  
**FAX: 1-801-524-3348**

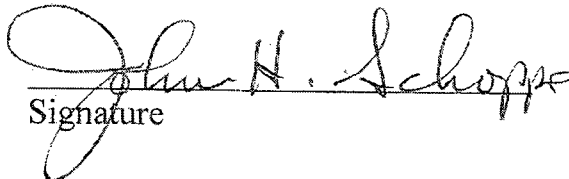
Department of Workforce Services  
Appeals Unit  
Box 45244  
Salt Lake City, UT 84145-0244  
Phone: 801-526-9300  
**FAX: 1-801-526-9242**

And by **Certified Mail** to:

Internal Revenue Service  
ACW SUPPORT - STOP 813G  
P.O. BOX 145566  
Cincinnati, OH 45250-5566

Utah State Tax Commission  
DTS 210 N 1950 W  
Salt Lake City, UT 84134

November 6, 2020  
Date

  
Signature



CPU HARMONS STATION PARK  
200 N STATION PKWY  
FARMINGTON, UT 84025-2881  
(800)275-8777

11/06/2020

09:38 AM

Product	Qty	Unit Price	Price
---------	-----	------------	-------

First-Class Mail® Letter	1		\$0.55
--------------------------	---	--	--------

Denver, CO 80257  
Weight: 0 lb 0.80 oz  
Estimated Delivery Date  
Tue 11/10/2020

Certified Mail® Tracking #: \$3.55

70190700000220886002

Total \$4.10

First-Class Mail® Letter	1		\$0.55
--------------------------	---	--	--------

Cincinnati, OH 45250  
Weight: 0 lb 0.80 oz  
Estimated Delivery Date  
Tue 11/10/2020

Certified Mail® Tracking #: \$3.55

70190700000220885999

Total \$4.10

First-Class Mail® Letter	1		\$0.55
--------------------------	---	--	--------

Salt Lake City, UT 84134  
Weight: 0 lb 0.80 oz  
Estimated Delivery Date  
Mon 11/09/2020

Certified Mail® Tracking #: \$3.55

70190700000220885982

Total \$4.10

Grand Total: \$12.30

\*\*\*\*\*  
Due to limited transportation availability as a result of nationwide COVID-19 impacts package delivery times may be extended. Priority Mail Express® service will not change.  
\*\*\*\*\*

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit [www.usps.com](http://www.usps.com) USPS Tracking or call 1-800-222-1811.

All sales final on stamps and postage.  
Thank you for your business.

UFN: 492550-5555  
Receipt #: 840-28400347-2-643609-1  
Clerk: 00



HARMONS STATION PARK  
200 STATION PARKWAY  
FARMINGTON, UTAH 84025  
801-928-2600

Your Cashier Today Is: KAREN W

MP	POST OFFICE	12.30
8 @ 1.00		
MP	FAX SERVICE	8.00 0
	TAX	0.00
***	BALANCE	20.30

AUTH #: 095902

HARMONS  
200 STATION PARKWAY  
FARMINGTON UT 84025  
801-928-2600

TYPE Purchase

ACCT CAPITAL ONE 20.30

CARD NUMBER \*\*\*\*\*4299

DATE 11/06/20 TIME: 09:43am

REFERENCE #: H

TERMINAL: 20

ATD: A0000000041010

TVP 0000008000

TSL E800

Mastercard 20.30

CHANGE 0.00

TOTAL NUMBER OF ITEMS SOLD = 0

11/06/20 09:43am 7 20 2 532

JERI SCHOPPE Thanks for using  
your Foodie Card

Thank you for your Business

*Thank you for  
shopping Harmon's*

PLEASE TELL US HOW WE'RE DOING  
<http://bit.ly/muharmonfeedback>

7019 0700 0002 2088 5999

U.S. Postal Service  
CERTIFIED MAIL

Return Receipt by First-Class Mail

Postage and Fees

Postage

Additional postage and fees (add lines as needed)  
☐ Registered Mail (see instructions) \$  
☐ Signature Required (see instructions) \$  
☐ Return Receipt by First-Class Mail \$  
☐ Return Receipt by First-Class Mail \$  
☐ Return Receipt by First-Class Mail \$

Postmark  
NOV 11 2020

Postage and Fees

Postage

Postage and Fees

Postage

Postage and Fees

7019 0700 0002 2088 5982

U.S. Postal Service  
CERTIFIED MAIL

Return Receipt by First-Class Mail

Postage and Fees

Postage

Additional postage and fees (add lines as needed)  
☐ Registered Mail (see instructions) \$  
☐ Signature Required (see instructions) \$  
☐ Return Receipt by First-Class Mail \$  
☐ Return Receipt by First-Class Mail \$  
☐ Return Receipt by First-Class Mail \$

Postage

Postage and Fees

Postage

Postage and Fees

Postage

Postage and Fees

NOV 11 2020

7019 0700 0002 2088 6002

U.S. Postal Service

CERTIFIED MAIL

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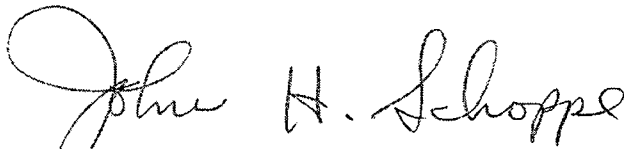
November 6, 2020

RE: Notice of Case No. 20-4111. 1:20-cv-00082 DB Appeal  
Opening Brief

TO: Social Security Administration  
Office of Hearings Operations  
Room 3102  
125 South State Street  
Salt Lake City, UT 84138-1107  
Phone: 877-628-6579  
**FAX: 1-801-524-3348**

From: John H. Schoppe  
983 W. Willow Garden Paseo  
Farmington, UT 84025  
801-738-2981 - Home  
801-462-7039- Mobile  
[JohnSchoppe@aol.com](mailto:JohnSchoppe@aol.com)

NOTE: This is Certificate of Service of Appellant John H. Schoppe's  
*Opening Brief*, Pro Se, in the United States Court of Appeals for the Tenth  
Circuit.



John H. Schoppe, Social Security Number [REDACTED]

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO	3365
DESTINATION TEL #	918015269242
DESTINATION ID	
ST. TIME	11/06 10:35
TIME USE	02'28
PAGES SENT	5
RESULT	OK

**FAX**

November 6, 2020

RE: Notice of Case No. 20-4111, 1:20-cv-00082 DB Appeal  
Opening BriefTO: Department of Workforce Services  
Appeals Unit  
Box 45244  
Salt Lake City, UT 84145-0244  
Phone: 801-526-9300  
**FAX: 1-801-526-9242**From: John H. Schoppe  
983 W. Willow Garden Paseo  
Farmington, UT 84025  
801-738-2981 - Home  
801-462-7039- Mobile  
JohnSchoppe@aol.comNOTE: This is Certificate of Service of Appellant John H. Schoppe's  
Opening Brief, Pro Se, in the United States Court of Appeals for the Tenth  
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# FAX

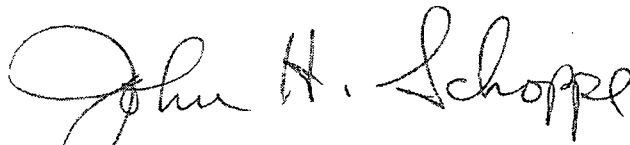
November 6, 2020

RE: Notice of Case No. 20-4111, 1:20-cv-00082 DB Appeal  
Opening Brief

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Salt Lake City, UT 84145-0244  
Phone: 801-526-9300  
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Circuit.



---

John H. Schoppe, PID#: 030333875 / Social Security Number [REDACTED]

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

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DESTINATION ID	
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TIME USE	02'05
PAGES SENT	5
RESULT	OK

**FAX**

November 6, 2020

RE: Notice of Case No. 20-4111. 1:20-cv-00082 DB Appeal  
Opening Brief

TO: Social Security Administration  
Office of Hearings Operations  
Room 3102  
125 South State Street  
Salt Lake City, UT 84138-1107  
Phone: 877-628-6579  
**FAX: 1-801-524-3348**

From: John H. Schoppe  
983 W. Willow Garden Paseo  
Farmington, UT 84025  
801-738-2981 - Home  
801-462-7039- Mobile  
JohnSchoppe@aol.com

NOTE: This is Certificate of Service of Appellant John H. Schoppe's  
**Opening Brief**, Pro Se, in the United States Court of Appeals for the Tenth  
Circuit.

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

Entry of Appearance - Pro Se

JOHN H. SCHOPPE

Appellant,

vs.

Case No. *1:20 - cv - 00082 -DB*

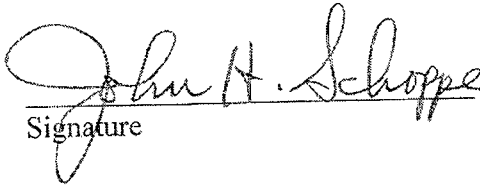
STATE OF UTAH,  
WORKFORCE SERVICES,  
MEDICAID,  
UNITED STATES OF AMERICA,  
SOCIAL SECURITY,  
MEDICARE,  
INTERNAL REVENUE SERVICE,  
DEPARTMENT OF JUSTICE,  
Et al.,

Appellees

I, hereby notify the clerk that I am appearing pro se as the Appellant in this case. All notices regarding the case should be sent to me at the address below. If my mailing address changes, I will promptly notify the clerk in writing of my new address.

Further, in accordance with 10<sup>th</sup> Cir. R. 46.1, I certify:

All parties to this litigation, including parties who are now or have been interested in this litigation, are revealed by the caption on appeal.

  
Signature

John H. Schoppe  
983 West Willow Garden Paseo  
Farmington, UT 84025  
801-462-7039 - Cell



## CERTIFICATE OF SERVICE

I hereby certify that on October 27, 2020 I sent a copy of the Pro Se Entry of Appearance Form to the ~~three~~<sup>4</sup> following Appellees at their last known address by fax.

Social Security Administration  
Office of Hearings Operations  
Room 3102  
125 South State Street  
Salt Lake City, UT 84138-1107  
Tel: (877) 628-6579  
**FAX: 1-801-524-3348**

Department of Workforce Services  
Appeals Unit  
Box 45244  
Salt Lake City, UT 84145-0244  
Phone: 801-526-9300  
**FAX: 1-801-526-9242**

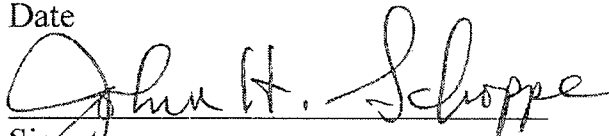
And by **Certified Mail** to:

Internal Revenue Service  
ACW SUPPORT - STOP 813G  
P.O. BOX 145566  
Cincinnati, OH 45250-5566

Utah State Tax Commission  
DTS 210 N 1950 W  
Salt Lake City, UT 84134

October 27, 2020

Date

  
Signature

# FAX

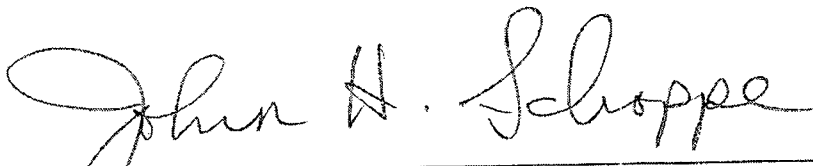
November 27, 2020

RE: Notice of Case No. 1:20-cv-00082 DB Appeal

TO: Social Security Administration  
Office of Hearings Operations  
Room 3102  
125 South State Street  
Salt Lake City, UT 84138-1107  
Phone: 877-628-6579  
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From: John H. Schoppe  
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801-462-7039- Mobile  
JohnSchoppe@aol.com

NOTE: This is Certificate of Service of Appellant John H. Schoppe's Entry of Appearance, Pro Se, in the United States Court of Appeals for the Tenth Circuit.



---

John H. Schoppe, Social Security Number: [REDACTED]

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO	3357
DESTINATION TEL #	918015269242
DESTINATION ID	
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TIME USE	01'28
PAGES SENT	3
RESULT	OK

**FAX**

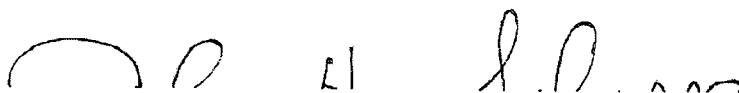
November 27, 2020

RE: Notice of Case No. 1:20-cv-00082 DB Appeal

TO: Department of Workforce Services  
Appeals Unit  
Box 45244  
Salt Lake City, UT 84145-0244  
Phone: 801-526-9300  
**FAX: 1-801-526-9242**

From: John H. Schoppe  
983 W. Willow Garden Paseo  
Farmington, UT 84025  
801-738-2981 - Home  
801-462-7039- Mobile  
JohnSchoppe@aol.com

NOTE: This is Certificate of Service of Appellant John H. Schoppe's Entry of Appearance, Pro Se, in the United States Court of Appeals for the Tenth Circuit.



\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO 3356  
DESTINATION TEL # 918015243348  
DESTINATION ID  
ST. TIME 10/27 09:55  
TIME USE 01'16  
PAGES SENT 3  
RESULT OK

**FAX**

November 27, 2020

RE: Notice of Case No. 1:20-cv-00082 DB Appeal

TO: Social Security Administration  
Office of Hearings Operations  
Room 3102  
125 South State Street  
Salt Lake City, UT 84138-1107  
Phone: 877-628-6579  
**FAX: 1-801-524-3348**

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Farmington, UT 84025  
801-738-2981 - Home  
801-462-7039- Mobile  
[JohnSchoppe@aol.com](mailto:JohnSchoppe@aol.com)

NOTE: This is Certificate of Service of Appellant John H. Schoppe's Entry of Appearance, Pro Se, in the United States Court of Appeals for the Tenth Circuit.



CPU HARMONS STATION PARK  
200 N STATION PKWY  
FARMINGTON, UT 84025-2881  
(800)275-8777

10/27/2020 09:52 AM

Product	Qty	Unit Price	Price
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First-Class Mail® Letter	1		\$0.55
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Salt Lake City, UT 84134  
Weight: 0 lb 0.50 oz  
Estimated Delivery Date  
Fri 10/30/2020  
Certified Mail®

Tracking #: 70190700000220682608 \$3.55

Total			\$4.10
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First-Class Mail® Letter	1		\$0.55
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Denver, CO 80257  
Weight: 0 lb 0.40 oz  
Estimated Delivery Date  
Sat 10/31/2020  
Certified Mail®

Tracking #: 70190700000220882615 \$3.55

Total			\$4.10
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First-Class Mail® Letter	1		\$0.55
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Cincinnati, OH 45250  
Weight: 0 lb 0.50 oz  
Estimated Delivery Date  
Sat 10/31/2020  
Certified Mail®

Tracking #: 70190700000220682622 \$3.55

Total			\$4.10
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Grand Total:			\$12.50
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\*\*\*\*\*

Due to limited transportation availability as a result of nationwide COVID-19 impacts package delivery times may be extended. Priority Mail Express® service will not change.

\*\*\*\*\*

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit [www.usps.com](http://www.usps.com) USPS Tracking or call 1-800-222-1811.

All sales final on stamps and postage.  
Thank you for your business.

UFN: 492550-5555  
Receipt #: 840-28400347-1-2089211-2  
Clerk: 00

7019 0700 0002 2068 2622

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Extra Services & Fees (check box, add fees as appropriate)

☐ Return Receipt (hardcopy) \$  
☐ Return Receipt (electronic) \$  
☐ Certified Mail Restricted Delivery \$  
☐ Adult Signature Required \$  
☐ Adult Signature Restricted Delivery \$

Postage

\$

Total Postage and Fees

\$

Sent To

IRS

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

Postmark Here

7019 0700 0002 2088 2615

# U.S. Postal Service CERTIFIED MAIL® RECEIPT Domestic Mail Only

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Certified Mail Fee

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Extra Services & Fees (check box, add fees as appropriate)

☐ Return Receipt (hardcopy) \$  
☐ Return Receipt (electronic) \$  
☐ Certified Mail Restricted Delivery \$  
☐ Adult Signature Required \$  
☐ Adult Signature Restricted Delivery \$

Postage

\$

Total Postage and Fees

\$

Sent To

10th Circuit Court

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

Postmark Here

7019 0700 0002 2088 2608

# U.S. Postal Service CERTIFIED MAIL® RECEIPT Domestic Mail Only

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Certified Mail Fee

\$

Extra Services & Fees (check box, add fees as appropriate)

☐ Return Receipt (hardcopy) \$  
☐ Return Receipt (electronic) \$  
☐ Certified Mail Restricted Delivery \$  
☐ Adult Signature Required \$  
☐ Adult Signature Restricted Delivery \$

Postage

\$

Total Postage and Fees

\$

Sent To

UT STATE TAX COMMISSION

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

Postmark Here

# HARMONS

FEED THE GOOD CROCODER

HARMONS STATION PARK  
200 STATION PARKWAY  
FARMINGTON, UTAH 84025  
801-928-2600

Your Cashier Today Is: KAREN W

4 @ 1.00

MR	FAX SERVICE	4.00 0
MR	POST OFFICE	12.30
	TAX	0.00
****	BALANCE	16.30

AUTH #: 095914

HARMONS  
200 STATION PARKWAY  
FARMINGTON UT, 84025  
801-928-2600

TYPE: Purchase

ACCT: US DEBIT 16.30

CARD NUMBER: \*\*\*\*\*7508

DATE: 10/27/20 TIME: 09:58am

REFERENCE #: C

TERMINAL: 21

AID: A0000000980840

IVR: 8000088000

TSI: 6800

CREDIT CARD 16.30

CHANGE 0.00

TOTAL NUMBER OF ITEMS SOLD = 0

10/27/20 09:59am 7 21 2 532

JERI SCHOPPE Thanks for using  
your Foodie Card

Thank you for your Business

*Thank you for  
shopping Harmon's*

PLEASE TELL US HOW WE'RE DOING  
<http://bit.ly/mharmon'sfeedback>

---

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH - NORTHERN DIVISION

---

JOHN H. SCHOPPE

Plaintiff,

v.

STATE OF UTAH,  
WORKFORCE SERVICES,  
MEDICAID,  
UNITED STATES OF AMERICA,  
SOCIAL SECURITY,  
MEDICARE,  
INTERNAL REVENUE SERVICE,  
DEPARTMENT OF JUSTICE,  
Et al.,

Defendants.

NOTICE OF APPEAL

Case No. 1:20 - cv - 00082

RECEIVED US Dist Court-UT  
OCT 21 '20 AM 09:33  
APPEAL OF COURT  
DISMISSAL OF  
COMPLAINT AND  
DENIAL OF MOTIONS  
DATED  
OCTOBER 13, 2020

---

**NOTICE OF APPEAL**

Plaintiff, John H. Schoppe, Pro Se, files the following Appeal of the United States District Court, District of Utah, Dismissal with Prejudice of Plaintiff's Complaint, and Denial of motion to allow a book as an exhibit, and motion for preliminary injunctive relief to the Tenth Circuit Court of Appeals.

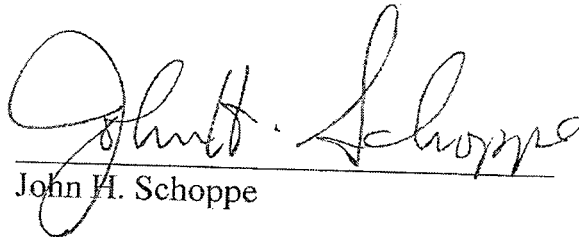
It is the height of irony that the District Court of Utah would dismiss and deny Plaintiff's complaint and motions based upon Fed. R. Civ. P. 8, since the complaint is about the violation by Administrative agencies of the United State's and the state of Utah's "Separation of Powers" clauses in their Constitutions as stated in Plaintiff's complaint.

The denial of a trial by jury, a right guaranteed in the United States and the state of Utah's Constitutions and the Bill of Rights, is not based upon any applicable or relevant grounds. Jury trial is a revered right traced back to Magna Carta, and being denied to Plaintiff in this case is a clear violation of that right to Plaintiff. The very denial and the dismissals are evidence of the erosion of these fundamental and inviolable rights of Plaintiff as a United States Citizen, and establish and prove Plaintiff's case and controversy.

Accordingly, Plaintiff hereby moves that the case be appealed to the Tenth Circuit.

DATED this 21<sup>st</sup> day of October, 2020.

BY PLAINTIFF



John H. Schoppe



MIME-Version:1.0 From:utd\_enotice@utd.uscourts.gov To:ecf\_notice@localhost.localdomain Bcc:  
Message-Id:<4620295@utd.uscourts.gov>Subject:Activity in Case 1:20-cv-00082-DB Schoppe v.  
State of Utah et al Judgment Content-Type: text/html

This is an automatic e-mail message generated by the CM/ECF system. If you need assistance,  
call the Help Desk at (801)524-6100.

\*\*\*NOTE TO PUBLIC ACCESS USERS\*\*\* Judicial Conference of the United States policy  
permits attorneys of record and parties in a case (including pro se litigants) to receive one free  
electronic copy of all documents filed electronically, if receipt is required by law or directed by  
the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of  
each document during this first viewing. However, if the referenced document is a transcript, the  
free copy and 30 page limit do not apply.

US District Court Electronic Case Filing System

District of Utah

Notice of Electronic Filing

The following transaction was entered on 10/14/2020 at 11:51 AM MDT and filed on 10/14/2020

Case Name: Schoppe v. State of Utah et al

Case Number: 1:20-cv-00082-DB

Filer:

**WARNING: CASE CLOSED on 10/14/2020**

Document Number: 10

Docket Text:

**JUDGMENT IN A CIVIL CASE: The Report and Recommendation of Magistrate Judge  
Bennett is ADOPTED and this action is DISMISSED WITH PREJUDICE. Case Closed.  
Magistrate Judge Jared C. Bennett no longer assigned to case. Signed by Judge Dee Benson on  
10/14/20. (dla)**

1:20-cv-00082-DB Notice has been electronically mailed to:

1:20-cv-00082-DB Notice has been delivered by other means to:

John H. Schoppe  
983 W WILLOW GARDEN PASEO  
FARMINGTON, UT 84025

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

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0] [45f43438bef507287794da5e1e8873021c9f46af96b58b371bd5dc9309e5efe294  
3423d08f218b44dc4e6616adc5afee8d1616286e313ff999e34998cd4dbb6c]]

# A Physician *of* Faith *and* Reason

A tireless geriatrician's struggle to save 1,200 patients, and what it says about a looming crisis for older Americans

By Justin Nobel

PHOTOGRAPHS BY DAYMON GARDNER

**I**t is the middle of March in Baton Rouge, Louisiana, and Donnie Batie, M.D., has lost one of his closest relatives—his wife's sister Gertie. There will be no funeral, however, no embraces, no flowers. Grieving will take place over the phone. And the memorial service itself—a ceremony in which a religious family like the Baties would gather and pray and sing and cry over the deceased—won't happen for many months. The coronavirus has come to the South.

The death toll from the pandemic is piling up around the world, and now Batie's hometown of Baton Rouge is in the crosshairs. Perhaps no one is more central to the crisis here than this trim, handsome, lightly bearded, utterly unflappable 66-year-old physician, one of just a few dozen geriatricians in the entire state. In the coronavirus crisis, it is his patients who are most likely to die from the disease itself, or from myriad other ills that can't be attended to as an overtaxed health care system struggles to cope with the pandemic. There have been more than 2,000 cases in Louisiana and 153 deaths, yet Batie has not lost a single patient to COVID-19. "Most [of my] patients have mild symptoms, and the vast majority do fine," he says. But that doesn't mean he hasn't been impacted. His oldest patient, who is 103, has the coronavirus, but thus far is in stable condition at a skilled nursing facility. "I have been checking on her once every few days. So far she is doing fine," Batie says. A woman in her 60s whom Batie has been treating for many years lost her father to the virus, and it was Batie who helped her and her family process the death.

"Unfortunately, I have done it a lot," he says. "One thing that a geriatrician deals with is death." Batie typically loses about one patient every month, often from heart disease. I ask how he handles speaking to someone who has just lost a loved one in regular times, let alone these times, when the sick cannot even be visited in their final moments.

Batie pauses for a long moment.

"I am a physician of faith," he says, "and I guess over time I have developed a skill set where I am able to work through that separation. I talk beyond just the medical. I express the belief that we are just passing through this world, that this is just a temporary setting for us."

Even before most of the world had ever heard the word "coronavirus," Batie was already in the epicenter of a growing health crisis. Nationwide, the shortage of geriatricians is striking: Only about 7,000 physicians in total have the specific training needed to attend to the unique combination of ills that can haunt the approximately 49.2 million Americans who are 65 and older.

In few states is the crisis of geriatricians as bad as it is in Louisiana. According to a 2018-2019 American Board of Medical Specialties report, Louisiana has just 55 geriatricians. That's roughly one for every 13,016 potential patients.

"The system," Batie says, "is broken down."

**BATIE HIMSELF JUGGLES** about 2,000 patients, 1,200 of whom are older adults. In a medical crisis, Batie is exactly the type of doctor you want managing your care: Like a fighter pilot, he is laconic and hyper-organized, a workaholic by nature and necessity. If you are a geriatrician in America, it is the only way to survive. Batie works every day of the week, often from 7 a.m. until midnight, seeing patients not only in his office but in five area nursing homes. His phone is "his umbilical cord," says his wife, Veris. He gives

his patients his number and will take calls in the middle of the night. Batie has helped his patients get jobs, delivered their children's babies and counseled them through difficult life scenarios. He approaches every crisis, including the COVID-19 pandemic, with a dogged Southern optimism.

"The situation has brought into focus elderly care," he says, looking me in the eyes, "and hopefully can be turned into something good."

"I have wondered about how he keeps strong through it all," Veris tells me, but even she does not know the secret. "What I know," she says, "is he is a very caring man, and he is very concerned about his patients."

**BATIE GREW UP** and went to med school in Gainesville, Florida, before moving to Baton Rouge at age 24 to complete his residency in family medicine. Although he spent his childhood in Florida, "I grew up in Baton Rouge," he says. The culture was different, the food was different, the politics were different, and the storms were different—Louisiana is more prone to severe flooding from hurricanes than Gainesville, in the inland portion of northern Florida. The needs in terms of health care were different, too.

Right after finishing his residency in 1983, Batie worked in a pair of community centers, both located in poor sections of Baton Rouge. "People in their 30s and 40s were bringing in their parents who were in their 60s, 70s and 80s, and that got me more interested in taking care of senior citizens," he says. In 1990, Batie sat for the board certification exam in geriatrics and passed. He later served as the associate director of community affairs for the family medicine residency program at Baton Rouge General Medical Center.



Batie attends to 78-year-old William Moore—one of his roughly 2,000 patients.

# Utah Division of Real Estate Instructor Development Workshop October 19-20, 2020

Name: John H. Schoppe  
License #: 5451570 - PI00  
Phone: 801-462-7039 E-Mail: JohnSchoppe@aol.com

IDW will be held at in a Live Virtual format. Limited Live Virtual capacity, register early.

**Please Select one Option:**

☐ Monday 10/19 - \$25

☐ Tuesday 10/20 - \$25

☒ Both Days - \$30

**REGISTRATION FEE INCLUDES:**

- MONDAY 10/19:  
Live Virtual (Zoom)  
WORKSHOP 10AM - 5PM
- TUESDAY 10/20:  
Live Virtual (Zoom)  
WORKSHOP 9AM - 4PM

<input checked="" type="checkbox"/> Check	<input type="checkbox"/> Visa	<input type="checkbox"/> MasterCard	<input type="checkbox"/> American Express
Card #: <u>#102</u> <u>\$30.00</u>			
Exp: _____ CCV# _____			
Signature: _____			
<b>NOTE: For security reasons please submit credit card payments by FAX ONLY! (Fax: (801) 530-6749)</b>			
MAKE CHECKS PAYABLE TO: UTAH DIVISION OF REAL ESTATE			

\*\*\*REGISTRATIONS RECEIVED AFTER OCTOBER 9TH INCLUDE A \$15 LATE FEE\*\*\*

**IMPORTANT! The event venue has changed:  
It will be a Live Virtual workshop.**

**In order to register and receive credit you will need the following:  
Reliable access to Zoom, a working webcam, and microphone  
(attendance monitored via webcam)**



**Jack Marinello**



STATE OF UTAH  
DEPARTMENT OF COMMERCE  
DIVISION OF CORPORATIONS & COMMERCIAL CODE  
PO BOX 146705  
SALT LAKE CITY UT 84114-6705

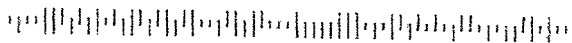
FIRST CLASS  
US POSTAGE  
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SLC UT  
PERMIT NO. 4621

*Annual Report/Renewal Notice*

Entity Type: DBA  
Entity Number: 9185103-0151  
Renewal ID #: 7938287  
Renew Before: 10/31/2020  
Renewal Fee: \$27.00

ACW: ADVOCATES OF THE COMMON WEALTH  
JOHN H SCHOPPE  
983 W WILLOW GARDEN PASEO  
FARMINGTON UT 84025

-SP1 8402E





GARY R. HERBERT  
Governor

SPENCER J. COX  
Lieutenant Governor

State of Utah  
Department of Commerce  
Division of Occupational and Professional Licensing

CHRIS PARKER  
Executive Director

MARK B. STEINAGEL  
Division Director

## NOTICE OF PROFESSIONAL LICENSE RENEWAL

**License Type:** Armed Private Security Officer      **License Expires** 11/30/2020

**LICENSE #:** 5451570-6302      **RENEWAL ID:** 7963534

**Current Hold on License:** NONE

**Name and Address on File:**

JOHN HERBERT SCHOPPE  
983 W WILLOW GARDEN PASEO  
FARMINGTON UT 84025

## INSTRUCTIONS FOR ONLINE LICENSE RENEWAL

1. **Gather the following:** your license number, social security number, debit or credit card (Visa, MasterCard, or American Express), and your Internet Renewal ID Number.
2. **Review current holds on this license, if applicable:** If you have a hold on your license (noted above), contact DOPL to resolve it before renewing online.
3. **Go to** <https://dopl.utah.gov> and select "Renew a License".
4. **Follow the online instructions.** A renewed license, certificate, or registration will be emailed to you the next business day after your online renewal is completed. You may print your license as needed or save the PDF to your phone.

**NOTE:** All renewal requirements, including any applicable continuing education hours, must be met as a prerequisite to renewal. Renewal requirements for your license are outlined in the online renewal process.

**Unlawful Conduct:** Your license expires on the day after the expiration date listed above unless the license is renewed. If the license expires, you may not practice until a new license is issued. Subsection 58-1-501(1)(a) and Section 58-1-502, U.C.A., respectively, make it unlawful and punishable as a criminal offense to practice your occupation or profession beyond the expiration date on your license. DOPL reserves the right to initiate action at any time against a licensee who did not meet the renewal / reinstatement requirements at the time the license was issued.

Are you an organ, eye and tissue donor? If not, and you want to help save lives, you can register at [www.donors.org](http://www.donors.org). If you have any questions about donation, please visit [www.donors.org](http://www.donors.org).

UTAH DEPT OF WORKFORCE SERVICES  
UI DIVISION  
140 EAST 300 SOUTH  
PO BOX 45266  
SALT LAKE CITY, UT 84145-0266

Utah Department of Workforce Services  
Unemployment Insurance  
**Decision of Eligibility for  
Unemployment Insurance Benefits**

ELECTRONIC: 9/11/2020

AAWS

JOHN SCHOPPE  
983 WEST WILLOW GARDEN PASEO  
FARMINGTON, UT 84025

SSN: xxx-xx-8235  
EMPLOYER: N/A

**Notice: This decision is made on your claim for benefits:**

Based upon the information you have provided, you have not been seeking work as you were instructed. You also have not shown that the efforts you made were as likely to result in your finding work. Therefore, you are not considered available for work.

Benefits are denied under Section 35A-4-403(1)(c) of the Utah Employment Security Act beginning 08/23/2020 and ending 09/05/2020. The Act provides that a person must be able and available for full-time work and be making an active, good faith effort to seek work to be eligible. You will be notified separately of any other issues on your claim.

**RIGHT TO APPEAL:** You may appeal if you believe this decision is incorrect. Your written appeal must be submitted online, faxed, postmarked (or otherwise delivered) on or before 9/28/2020. An appeal submitted after the deadline may be considered if you can show good cause for filing late. A copy of your appeal will be sent to other interested parties. For more information about the appeals process go to [jobs.utah.gov/appeals](http://jobs.utah.gov/appeals). Your written appeal must be signed by you or your legal representative and include 1) your name and current mailing address, 2) your Social Security number, 3) the date 4) your statement of appeal. It is important to continue filing your weekly claims while the appeal process is pending. You will not be paid for any week not filed timely, unless you can show good cause for filing late.

Appeal online:	Appeal by fax:	Appeal by mail:
<a href="http://jobs.utah.gov/appeals">jobs.utah.gov/appeals</a>	(801) 526-9242	Appeals Unit, PO Box 45244, Salt Lake City, UT, 84145-0244

UI CLAIMS CENTER PHONE NUMBERS: S.L.: 801-526-4400, Ogden: 801-612-0877, Provo: 801-375-4067, Out of Area: 888-848-0688. APPEALS PHONE NUMBER: S.L.: 801-526-9300, Toll Free: 877-800-0671.

REPR.: L Madsen

EMP.#: 1000646



## APPEALS UNIT

PO Box 45244, Salt Lake City, Utah 84145-0244  
(801) 526-9300 (877) 800-0671 (801) 526-9242 (fax)  
jobs.utah.gov/appeals

## NOTICE OF UNEMPLOYMENT APPEAL TELEPHONE HEARING

APPELLANT

\*ECA

JOHN SCHOPPE  
983 WEST WILLOW GARDEN PASEO  
FARMINGTON UT 84025

Under the legal authority of Utah Code § 35A-4-406, a formal telephone hearing regarding the issue(s) listed on this notice has been scheduled.

**DATE OF TELEPHONE HEARING:** Thursday, October 8, 2020

**TIME OF TELEPHONE HEARING:** Anytime in a 4-hour block of time beginning at  
8:00 AM (Mountain Time)

**\*\*\*YOU MUST CONFIRM PARTICIPATION\*\*\***

**Confirm online at [jobs.utah.gov/myAppeal](https://jobs.utah.gov/myAppeal).**

You must confirm participation in order to have a hearing.

You must confirm no later than **Wednesday, October 7, 2020 at 08:00 AM** or the hearing will be canceled.

You must confirm participation online at [jobs.utah.gov/myAppeal](https://jobs.utah.gov/myAppeal) or by calling the Appeals Unit at (801) 526-9300 or toll free at (877) 800-0671. We are open Monday - Friday, 8:00 a.m. to 5:00 p.m. We are closed on state and federal holidays. You will need to provide us with the telephone number where you can be reached on the day of the hearing.

\* If you fail to confirm participation by **Wednesday, October 7, 2020 at 08:00 AM**, the hearing will be canceled, an Order of Default will be issued, and the hearing time will be assigned to another case.

\* The Administrative Law Judge (ALJ) will **NOT** call you for the hearing if you do not confirm participation as instructed. You must confirm for this hearing even if you have provided a phone number to the Department previously.

\* The ALJ will only try to contact you twice during the 4-hour time block. Keep your phone line open and remain available during that time. If you fail to answer both times, the ALJ will dismiss the hearing, and you will have to submit a written request to reopen the hearing if you still want a hearing.

**\*\*\*READ ALL PAGES FOR IMPORTANT INFORMATION\*\*\*****\*\*\*EXHIBITS ATTACHED\*\*\***

(If viewing online make sure you scroll through the entire file to see all pages)



Department of Workforce Services  
PO BOX 143245  
SALT LAKE CITY, UT 84114-3245



Date Mailed: 09-14-2020

Case Number: 15828687

PID: 030333875

JOHN H SCHOPPE  
983 WEST WILLOW GARDEN PASEO  
FARMINGTON, UT 84025

### Verification Checklist

Dear JOHN H SCHOPPE

We need more information to determine your eligibility for the following program(s).

Program	Due Date
Medical Program	09-22-2020
Food Stamps	09-22-2020
Financial Assistance	09-22-2020

You must provide the verification listed below by 5:00 pm on the due date. If we do not receive the verification on time, your benefits may be delayed, denied, or your assistance may end.

Items to be verified	For whom	Accepted Verification Details
Other	JOHN H SCHOPPE	Please submit your last 30 days of check stubs showing the amount you pay each check for Health Insurance.
Other	JERI R SCHOPPE	Please submit your last 30 days of check stubs showing the amount you pay each check for Health Insurance.
Additional Comments	JOHN H SCHOPPE	Are you still doing your self employment? Please submit your 2019 personal and business taxes or 12 months of Self Employment Ledgers. Please include all pages and schedules of your Taxes if you are using taxes instead of Ledgers.
Additional Comments	JOHN H SCHOPPE	We did not get to go over all assets with you at your interview. Please call DWS at 1-866-435-7414 so we can go over all assets you may own.

#### How can you get us the verification we need?

You can send us your documents different ways. Choose the option that is easiest for you.

- Online: You can upload them at [jobs.utah.gov/mycase](https://jobs.utah.gov/mycase).
- By fax: You can fax them at 1-877-313-4717 or 801-526-9500.

Toll free: 1-866-435-7414  
Phone Number: 801-526-0950

Toll free FAX: 1-877-313-4717  
FAX: 801-526-9500

To Whom It May Concern,

9/16/20

Mr. John Schoppe is under my care as a Vascular Surgeon. From my standpoint he has no activity restrictions. However due to age and co-morbidities his PCP is recommending to stay under quarantine until a vaccine is available for Covid-19 and I am in agreement.

 GRIFFIN



September 14, 2020

Regarding:

Patient: John Schoppe  
MR Number: 02751451  
Date of Birth: 4/20/1944  
Date of Visit: 9/11/2020

Dear Sir,

TO WHOM IT MAY CONCERN

This is to attest that Mr. John Schoppe has atherosclerotic coronary artery disease which at his age increases his of adverse outcome from a COVID-19 infection and for this reason, I have advised him to abstain from work until the COVID-19 pandemic situation significantly improves.

Sincerely yours,

A handwritten signature in cursive script, appearing to read 'Michael Adjei-Poku'.

Michael Adjei-Poku, MD, MPH, FACC, FACP  
Associate Professor of Medicine  
Division of Cardiovascular Medicine  
University of Utah School of Medicine  
50 North Medical Drive  
Salt Lake City, Utah, 84132

MIME-Version:1.0 From:utd\_enotice@utd.uscourts.gov To:ecf\_notice@localhost.localdomain Bcc:  
Message-Id:<4594455@utd.uscourts.gov>Subject:Activity in Case 1:20-cv-00082-DB-JCB Schoppe  
v. State of Utah et al Report and Recommendations Content-Type: text/html

This is an automatic e-mail message generated by the CM/ECF system. If you need assistance,  
call the Help Desk at (801)524-6100.

\*\*\*NOTE TO PUBLIC ACCESS USERS\*\*\* Judicial Conference of the United States policy  
permits attorneys of record and parties in a case (including pro se litigants) to receive one free  
electronic copy of all documents filed electronically, if receipt is required by law or directed by  
the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of  
each document during this first viewing. However, if the referenced document is a transcript, the  
free copy and 30 page limit do not apply.

US District Court Electronic Case Filing System

District of Utah

Notice of Electronic Filing

The following transaction was entered on 9/14/2020 at 4:17 PM MDT and filed on 9/14/2020

Case Name: Schoppe v. State of Utah et al

Case Number: 1:20-cv-00082-DB-JCB

Filer:

Document Number: 7

Docket Text:

**REPORT AND RECOMMENDATION:** The court concludes that Mr. Schoppe's complaint fails  
to state claims upon which relief can be granted. 28:1915(e)(2)(B)(ii). The court also concludes  
that Mr. Schoppe's complaint is frivolous in nature. For those two reasons, **IT IS HEREBY  
RECOMMENDED** that this action be **DISMISSED WITH PREJUDICE** under the authority of  
the IFP Statute, Id. Section 1915(e)(2)(B) (i)-(ii). **IT IS FURTHER RECOMMENDED** that Mr.  
Schoppe's motion to "allow a book" as an exhibit to his complaint [4] and motion for  
preliminary injunctive relief [6] be **DENIED**. Signed by Magistrate Judge Jared C. Bennett on  
9/14/20. (dla)

1:20-cv-00082-DB-JCB Notice has been electronically mailed to:

1:20-cv-00082-DB-JCB Notice has been delivered by other means to:

John H. Schoppe

983 W. WILLOW GARDEN PASEO

FARMINGTON, UT 84025

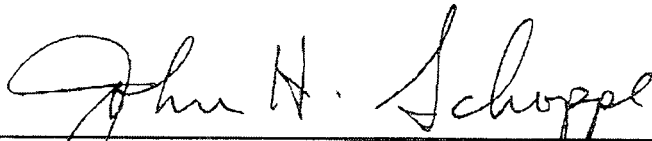
The following document(s) are associated with this transaction:

Room 3102  
125 South State Street  
Salt Lake City, UT 84138-1107  
Phone: 877-628-6579  
**FAX: 1-801-524-3348**

From: John H. Schoppe  
983 W. Willow Garden Paseo  
Farmington, UT 84025  
801-738-2981 - Home  
801-462-7039- Mobile  
[JohnSchoppe@aol.com](mailto:JohnSchoppe@aol.com)

NOTE: Enclosed is the following document:

Motion for Preliminary Injunctive Relief in the United States District  
Court, District of Utah – Northern Division (2 pages).

  
\_\_\_\_\_  
John H. Schoppe, Social Security Number: [REDACTED]

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\*\*\* TX REPORT \*\*\*  
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TRANSMISSION OK

TX/RX NO 3320  
DESTINATION TEL # 98015243848  
DESTINATION ID 09/04 08:38  
ST. TIME 01:30  
TIME USE 3  
PAGES SENT 3  
RESULT OK