

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT
No.21-2311

JOHN E. REARDON,
Appellant

V.

STATE OF NEW JERSEY;
JUDGE FREEMAN, of
Camden County; JUDGE
PUGLIESE, of Camden
County; JUDGE HAYDEN,
of the State Appellate Court;
JUDGE SHARAFI, of the State
Appellate Court; U.S. GOVERNMENT
On Appeal from the

United States District Court
for the District of New Jersey

(D.C. Civil Action No. 1:13-cv-05363)

District Judge: Honorable Noel L. Hillman
Submitted Pursuant to Third Circuit LAR 34.1(a)
2022

January 21,

Before: KRAUSE, BIBAS and SCIRICA, Circuit Judges
(Opinion filed February 4, 2022)

OPINION*

* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

PERCURIAM

John Reardon was convicted in New Jersey state court of three offenses, including possession of explosive material with intent to use it against another. Decades later, Reardon filed in federal court a civil rights action against the judges who participated in his state criminal case and subsequent state post conviction proceedings. By order entered on June 27, 2014, the District Court dismissed Reardon's complaint with prejudice.

As the docket below would tell it, Reardon then became consumed with filing post-judgment motions, all of which have been rejected. See, e.g., *Reardon v. New Jersey*, 822 F. App'x 153, 156 (3d Cir. 2020) (per curiam). But Reardon pursued other legal actions, too. For instance, Reardon sued the public officials that handled his motor vehicle infractions in the 1980s. See *Reardon v. Zanies*, 730 F. App'x 129, 130 (3d Cir. 2018) (per curiam). He also sued the district judge who entered the June 27, 2014 order of dismissal. See *Reardon v. Hillman*, 773 F. App'x 658, 659 (3d Cir. 2019) (per curiam).

In another case, Reardon's frenzied litigation style and baseless claims prompted a different district judge to craft an injunction that prohibited Reardon from filing without authorization any new actions in the United States District Court for the District of New Jersey. See *Reardon v. United States*, DC Civ. No. 17-cv-05868, 2020 WL 603994, at *3 (D.N.J. Feb. 7, 2020) (noting the filing injunction). The injunction was later broadened to prohib

-it Reardon from filing without authorization motions in any of his many cases.

Citing that injunction, the District Court in this case issued an order on June 10, 2021 denying as unauthorized a new post-judgment motion filed by Reardon regarding the now-seven-years-old order of dismissal. This appeal followed.

If Reardon's notice of appeal is meant to spur appellate review of the June 27, 2014 order of dismissal and his briefing in this Court all but confirms that that is his aim—the appeal is untimely and we lack jurisdiction. See Fed. R. App. P. 4(a) (l)(B); *Bowles v. Russell*, 551 U.S. 205, 207-09 (2007). Furthermore, while we do have jurisdiction to review the District Court's June 10, 2021 order enforcing the filing injunction, see Fed. R. App. P. 4(a)(l)(B); see also 28 U.S.C. § 1291; *Isidor v. Paiewonsky Assocs., Inc. v. Sharp Props., Inc.*, 998 F.2d 145, 149-50 (3d Cir. 1993), Reardon has not identified a potential error in that specific ruling, cf. *Barna v. Bd. of Sch. Dirs. of the Panther Valley Sch. Dist.*, 877 F.3d 136, 145 (3d Cir. 2017) (noting that this Court does not reach arguments omitted from appellant's opening brief). Regardless, we discern no error by the District Court.

Accordingly, we will affirm the District Court's June 10, 2021 order to the extent of our jurisdiction under §1291. The appeal is dismissed to the extent such jurisdiction is lacking. Appellees' motion for leave to file a supplemental appendix is granted.

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JOHN E. REARDON, :
: Civ. No. 13-5363
: (NLH)(AMD)
Plaintiff, :
:
v : MEMORANDUM :: OPINION & ORDER
:
STATE OF NEW :
JERSEY, et al., :
:
Defendants. :
:

APPEARANCES:

JOHN E. REARDON
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BERLIN, NJ 08009
Plaintiff appearing pro se
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Attorney for Defendants State of New Jersey, the Hon. Victor Ashrafi,
J.A.D., the Hon. Margaret M. Hayden, J.A.D., the Hon. Edith K. Payne, J.S.C.,
the Hon. Anthony M. Pugliese, J.S.C. and the Hon. Ronald J. Freeman, J.S.C.
(retired)
HILLMAN, District Judge

WHEREAS, on January 7, 2015, this Court denied

Plaintiff's second motion for leave to file an amended complaint [26] and
Plaintiff's motion for reconsideration of the Court's June 27, 2014 Opinion
dismissing his complaint and denying his first motion for leave to file an amended
complaint [22]; and

WHEREAS, on July 2, 2015, this Court denied Plaintiff's "MOTION to Set Aside

the Order of Dismissal of this Case and for Leave to Amend" [36]; and

WHEREAS, on January 2, 2020, the Court denied Plaintiff's "MOTION to set aside dismissal and for leave to Amend/Correct" [42] and "MOTION for an order of compliance" [53]; and

WHEREAS, on August 11, 2020, the Court of Appeals for the Third Circuit affirmed this Court's January 2, 2020 decision in all respects (Docket No. 69); and

WHEREAS, on November 16, 2020, Plaintiff filed a motion styled, "MOTION to present the accompanying motion for relief" [71], pursuant to which Plaintiff seeks to "set aside all prior orders and to reopen and amend this lawsuit," which "should be permitted to go forward" because the Court made mistakes of fact and law (Docket No. 71-1 at 1); and

WHEREAS, the Court must deny the instant motion because it seeks relief that this Court has already considered and denied, and the Third Circuit has affirmed; and

WHEREAS, in the Court's January 2, 2020 Opinion, the Court noted: The Court's last docket entry in this case] was the July 2, 2015 Memorandum Opinion and

Order denying Plaintiff's "MOTION to Set Aside the Order of Dismissal of

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this Case and for Leave to Amend" [36]. Plaintiff filed his "MOTION to set aside dismissal and for leave to Amend/Correct" [42] almost four years later on June 4, 2019. Since then, Plaintiff has sent for docketing 24 additional submissions in this

case. The Court notes that on October 16, 2019, Robert B. Kugler, U.S.D.J., issued a litigation preclusion order against Plaintiff in 1:18-cv-11372- RBK-AMD that provides:

“ORDERED that John E. Reardon shall be, and is hereby, ENJOINED from filing any further complaint, lawsuit, or petition in the United States District Court for the District of New Jersey without prior authorization of the Court; and it is further ORDERED that in the event that John E. Reardon desires to file any further complaint, lawsuit, or petition in the United States District Court for the District of New Jersey, he shall file an appropriate motion for leave to file such complaint, lawsuit, or petition under the present docket number.” (1:18-cv-11372, Docket No. 74.)

Since Judge Kugler issued the litigation preclusion order, Plaintiff has filed 39 submissions in that action. (Docket No. 66 at 2 n.1); and

WHEREAS, in Plaintiff’s case before Judge Kugler, on May 1, 2020, Judge Kugler ordered that the action was terminated, and [I]n light of Mr. Reardon’s vexatious and abusive history of filing “frivolous motions, meritless complaints, and procedurally deficient actions” for more than three decades, see Reardon v. Murphy,

Civil No.18-11372 , 2019 WL 4727940, at *4 (D.N.J. Oct. 21, 2019), he is

PROHIBITED from filing any future motions in this or any other case without leave of the Court; before filing a motion, Mr. Reardon must seek leave by filing a letter with the Court, of no more than two ordinary typed pages, setting forth valid reasons why the Court should allow the motion to be filed; no defendant shall be required to respond to any filing by Mr. Reardon unless specifically

ordered to do so by the Court.(1:18-cv-11372, Docket No. 130); and Case 1:13-cv-05363-NLH-AMD

WHEREAS, since that time, Plaintiff has filed 30 additional letters and motions in that case, with the most recent filing on May 17, 2021 (1:18-cv-11372, Docket No. 162); and

WHEREAS, in this case, since Plaintiff filed the instant "MOTION to present the accompanying motion for relief" on November 20, 2020, Plaintiff has filed 10 additional submissions, with the most recent filing being on April 5, 2021; and

WHEREAS, the Court notes that Plaintiff has failed to follow Judge Kugler's May 1, 2020 Order, and in violation of that Order Plaintiff filed the instant motion here without leave of Court; Consequently, IT IS on this 10th day of June , 2021 ORDERED that Plaintiff's "MOTION to present the accompanying motion for relief" [71] be, and the same hereby is, DENIED; and it is further

ORDERED that in accord with Judge Kugler's May 1, 2020 Order, Plaintiff is PROHIBITED from filing any future motions in this or any other case without leave of the Court; before filing a motion, Plaintiff must seek leave by filing a letter with the Court, of no more than two ordinary typed pages, setting forth valid reasons why the Court should allow the motion to be filed; and no defendant shall be required to Case 1:13-cv-05363-NLH-AMD respond to any filing by Plaintiff unless specifically ordered to do so by the Court; and it is finally ORDERED that the Clerk shall mark this matter as CLOSED.

S/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J. At Camden, New Jersey
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UNITED STATES COURT OF APPEALS
OR THE THIRD CIRCUIT

No. 21-2311

JOHN E. REARDON, Appellant

V.

STATE OF NEW JERSEY; JUDGE FREEMAN, of Camden County; JUDGE PUGLIESE, of Camden County; JUDGE HAYDEN, of the State Appellate Court; JUDGE SHARAFI, of the State Appellate Court; U.S. GOVERNMENT

(D.C. Civ. No. 1-13-cv-05363)

SUR PETITION FOR REHEARING

Present: CHAGARES, Chief Judge, AMBRO, JORDAN, HARDIMAN, GREENAWAY, JR., KRAUSE, RESTREPO, BIBAS, PORTER, MATEY, PHIPPS, FREEMAN, and SCIRICA *, Circuit Judges

The petition for rehearing filed by Appellant John Reardon in the above entitled case having been submitted to the judges who participated in the decision of this Court * As to panel rehearing only and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the panel and the Court en bane, is denied.

BY THE COURT,
s/ Cheryl Ann Krause
Circuit Judge

Dated: December 5, 2022
Sb/cc: John E. Reardon
Phoenix N. Meyers, Esq.

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