

APPENDIX A

Case: 18-2199 Document: 003113186643 Page: 1  
Date Filed: 03/18/2019 Case 2:16-cv-04564-MSG  
Document 52 Filed 03/18/19 Page 1 of 2

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 18-2199

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E. EDWARD ZIMMERMANN,

Appellant

v.

UNITED STATES NATIONAL LABOR  
RELATIONS BOARD;  
UNITED STATES DEPARTMENT OF LABOR  
MINIMUMWAGE DIVISION;  
UNITED STATES DEPARTMENT OF LABOR  
REVAILING WAGE DIVISION

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On Appeal from the United States  
District Court for the Eastern  
District of Pennsylvania  
(D.C. Civil Action No. 2-16-cv-04564)  
District Judge: Honorable Mitchell S. Goldberg

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Submitted Pursuant to Third Circuit LAR 34.1(a)

January 23, 2019

Before: KRAUSE, SCIRICA, and NYGAARD, Circuit  
Judges

JUDGMENT

This cause came to be considered on the record from the United States District Court for the Eastern District of Pennsylvania and was submitted pursuant to Third Circuit LAR 34.1(a) on January 23, 2019. On consideration whereof, it is now hereby ORDERED and ADJUDGED by this Court that the judgment of the District Court entered April 6, 2018, be and the same is hereby affirmed. Costs taxed against Appellant.

All of the above in accordance with the opinion of this Court.

Case: 18-2199 Document: 003113186643 Page: 2  
Date Filed: 03/18/2019 Case 2:16-cv-04564-MSG  
Document 52 Filed 03/18/19 Page 2 of 2

ATTEST:

s/ Patricia S. Dodszuweit

Clerk

Dated: January 25, 2019

## APPENDIX B

### **NOT PRECEDENTIAL**

### **UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

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Appellant

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UNITED STATES NATIONAL LABOR  
RELATIONS BOARD;  
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MINIMUMWAGE DIVISION;  
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On Appeal from the United States District  
Court for the Eastern District of Pennsylvania  
(D.C. Civil Action No. 2-16-cv-04564)

District Judge: Honorable Mitchell S. Goldberg

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Submitted Pursuant to Third Circuit LAR 34.1(a)

January 23, 2019

Before: KRAUSE, SCIRICA, and NYGAARD, Circuit  
Judges

(Opinion filed: January 25, 2019)

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OPINION<sup>1</sup>

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PER CURIAM

E. Edward Zimmermann appeals the dismissal of his complaint for lack of subject matter jurisdiction. For the following reasons we will affirm.

Zimmermann brought suit against the United States Department of Labor, the National Labor Relations Board (NLRB), and the Pennsylvania Department of General Services, seeking money damages and a judicial declaration that federal and state regulation of the minimum wage violated his constitutional rights. The Department of Labor and the NLRB (collectively, Appellees) filed a motion to

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<sup>1</sup> This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

dismiss, as did the Pennsylvania Department of General Services. Both motions asserted, *inter alia*, the District Court lacked subject matter jurisdiction. The action against the Pennsylvania Department of General Services was dismissed, with prejudice, pursuant to the Eleventh Amendment.<sup>2</sup> The District Court dismissed the claims against Appellees for money damages, with prejudice, pursuant to sovereign immunity, but allowed Zimmermann to amend his complaint as to claims for declaratory relief. After Zimmermann filed his amended complaint, Appellees again moved to dismiss for lack of subject matter jurisdiction.

The District Court granted Appellees' motion pursuant to Fed. R. Civ. P. 12(b)(1), specifically finding

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<sup>2</sup> The Pennsylvania Department of General Services is not participating in this appeal.

that Zimmermann lacked Article III standing because the facts in his amended complaint could not support the conclusion that he has suffered, or will imminently suffer, an injury in fact. The District Court also found that granting Zimmermann leave to amend again would be futile, and thus dismissed the case with prejudice.

Zimmermann appealed.<sup>3</sup>

We have jurisdiction to review the District Court's orders pursuant to 28 U.S.C. § 1291. "We exercise plenary review over the District Court's dismissal for lack of Subject matter jurisdiction Davis v. Wells Fargo, 824 F.3d 333, 346 (3d Cir. 2016).

We will affirm. On appeal, Zimmermann does nothing to advance any argument in opposition to the

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<sup>3</sup> The District Court also denied Zimmermann's "Motion Under Seal to Review this Matter in Private" and "Rule 5.1.5 Motion to Seal this Matter" and also denied, as moot, Zimmermann's motion for summary judgment, "Motion to Proceed to Trial," and "Motion to Correct The Record." Zimmermann does not appeal these determinations.

District Court’s finding regarding his Article III standing, nor does he present any argument as to the earlier finding that Sovereign Immunity and the Eleventh Amendment barred his monetary claims against Appellees and the Pennsylvania Department of General Services, respectfully. Rather, Zimmermann, who now signs “E. John Doe”<sup>4</sup> on all of his court documents, states that he is invoking his Fifth Amendment right to be free from self-incrimination, and that this right “constitute[s] the entirety of [his] brief” except as specifically noted. He also incorporates every court filing he has ever made in this action, and states that his writings “speak for themselves.” Finally, for authority, he cites “[e]very

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<sup>4</sup> Presumably, this was done as a form of protest after we denied Zimmermann’s mandamus petition, in which he asked us to, among other things, “direct the District Court to remove his name and contact information to protect his physical safety and

landmark decision by the United States Supreme Court” and every landmark decision by every lower federal and state court.

We decline to root through the record below and make Zimmerman’s case for him. See United States v. Dunkel, 927 F.2d 955, 956 (7th Cir. 1991) (noting “Judges are not like pigs, hunting for truffles buried in briefs” and that a “skeletal argument” does not preserve a claim). Consequently, we conclude he has abandoned all appealable issues. See Kost v. Kozakiewicz, 1 F.3d 176, 182 (3d Cir. 1993) (noting it is well settled that “appellants are required to set forth the issues raised on appeal and to present an argument in support of those issues in their opening brief” and that “if an appellant fails to comply with these requirements on a particular issue, the appellant normally has abandoned and waived

Consequently, as Zimmermann presents no issues to

review, we will affirm the District Court's judgment.

Zimmermann's pending "Motion to Withdraw

Impeachment" is denied as moot.

privacy rights." See In re Zimmermann, 739

F. App'x 101, 103 (3d Cir. 2018).