

No.

**IN THE
SUPREME COURT OF UNITED STATES**

IN RE: Mawule Tepe

Petitioner,

On Petition for Writ of Mandamus
To The United States Court Of Appeals for the Sixth Circuit,
and to the United States District Court for Eastern District of Tennessee

APPENDIX

Mawule Tepe
3403 Peerless Rd NW # G
Cleveland, TN 37312-3432
Tel: +1 (423) 994 3805
tepealex2002@gmail.com

APENDIX A

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MAWULE TEPE,
Plaintiff,

v.

INTERNAL REVENUE SERVICE
and THE UNITED STATES,

Defendants.

§
§
§
§
§
§
§
§

No. 3:23-cv-02568-K (BT)

ORDER OF TRANSFER

Plaintiff Mawule Tepe filed this *pro se* civil action against the Internal Revenue Service and the United States Government on November 20, 2023. *See* Compl. (ECF No. 3). When liberally construing his Complaint, it appears that Tepe seeks a tax refund under 28 U.S.C. § 1346(a)(1). He also appears to assert claims under the Federal Tort Claims Act pursuant to 28 U.S.C. § 1346(b). After reviewing the Complaint and applicable law, the Court concludes that Tepe's case should be transferred to the Southern Division of the Eastern District of Tennessee.¹

Title 28 U.S.C. § 1402 governs venue of a federal cause of action brought against the United States under § 1346. That statute states in pertinent part:

¹ Under Miscellaneous Order No. 6, the United States Magistrate Judge is authorized to transfer cases by *pro se* parties to the proper or appropriate district or division.

- (a) Any civil action in a district court against the United States under subsection (a) of section 1346 of this title may be prosecuted only:
 - (1) Except as provided in paragraph (2), in the judicial district where the plaintiff resides;
 - (2) [applicable only to corporate plaintiffs]
- (b) Any civil action on a tort claim against the United States under subsection (b) of section 1346 of this title may be prosecuted only in the judicial district where the plaintiff resides or wherein the act or omission complained of occurred.

28 U.S.C. § 1402.

In his Complaint, Tepe states that he resides at an address located in Bradley County, Tennessee. Compl. 2 (ECF No. 3). He alleges that both Defendants reside in Austin, Texas. *Id.* Tepe does not allege that any of Defendants' alleged wrongful conduct—namely, withholding his 2022 tax refund—occurred in the Northern District of Texas. The Court discerns no connection at all between the Northern District of Texas and Tepe's case. Thus, venue is not proper here.

When venue is not proper, a court has the authority to transfer a case in the interest of justice to any district or division in which the action could have been brought. 28 U.S.C. § 1406(a). Since Tepe resides in Bradley County, Tennessee, this case could have been brought in the Southern

Division of the Eastern District of Tennessee.² 28 U.S.C. § 123(a)(3). Further, the Court finds it is in the interest of justice to transfer this case to the appropriate district and division. The Court therefore TRANSFERS this case to the Southern Division of the Eastern District of Tennessee.

SO ORDERED.

Signed November 29, 2023.



REBECCA RUTHERFORD
UNITED STATES MAGISTRATE JUDGE

² Indeed, Tepe is very familiar with the Eastern District of Tennessee, as he has been enjoined from filing any new lawsuit in that district without first seeking and obtaining that court's permission. *See Order at 6, Doc. 74 in Case No. 1:22-cv-275 (E.D. Tenn.)* (finding Tepe demonstrated a "pattern of repetitive and vexatious litigation" and "nothing less than an injunction will likely be adequate to prevent future frivolous and vexatious filings in this Court.").

APENDIX B

UNITED STATES DISTRICT COURT

for the
Northern District of Texas

<u>Mawule Tepe</u>)	
<i>Plaintiff</i>)	
v.)	Civil Action No. 3:23-cv-02568-K-BN
<u>Internal Revenue Service, et al</u>)	
<i>Defendant</i>)	

Summons in a Civil Action

TO: Internal Revenue Service

These copies of the summons and complaint are to be either:

- (1) delivered to the United States Attorney for the Northern District of Texas or to an assistant United States attorney or clerical employee whom the United States Attorney has designated in writing filed with the Clerk of the United States District Court for the Northern District of Texas;
or
- (2) send by registered or certified mail to the civil-process clerk at the Office of the United States Attorney for the Northern District of Texas (1100 Commerce, 3rd Floor, Dallas, TX 75242-1699)

A lawsuit has been filed against you.

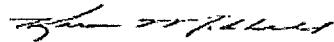
Within 21 days after service of this summons on you (not counting the day you received it) -- or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12(a)(2) or (3) -- you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Mawule Tepe (pro se)
3403 Peerless Road NW #G
Cleveland , TN 37312

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

DATE: 11/21/2023

CLERK OF COURT



Signature of Clerk or Deputy Clerk



Civil Action No. 3:23-cv-02568-K-BN

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for (name of individual and title, if any) Internal Revenue Service,
 was received by me on (date) 11-21-2023.

I personally served the summons on the individual at (place) _____
 _____ on (date) _____; or

I left the summons at the individual's residence or usual place of abode with (name) _____
 _____, a person of suitable age and discretion who resides there,
 on (date) _____, and mailed a copy to the individual's last known address; or

I served the summons on (name of individual) F. Butler, who is designated
 by law to accept service of process on behalf of (name of organization) Internal Revenue
Service via USPS Certified mail on (date) 12-6-2023; or

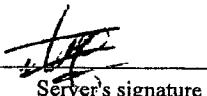
I returned the summons unexecuted because _____; or

other (specify) _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____

I declare under penalty of perjury that this information is true.

Date: 12-06-2023


 Server's signature

Maroule Tye (Plaintiff)
 Printed name and title

3403 Peerless Rd NW Apt #16, Cleveland TN
 Server's address 37312

Additional information regarding attempted service, etc:

I have made 2 process services on IRS. The first one was done on 12-4-2023 but was not signed. I made the second service on 12-6-2023. Additional service was made on Attorney General office in Washington DC

UNITED STATES DISTRICT COURT

for the
Northern District of Texas

Mawule Tepe)
Plaintiff)
v.) Civil Action No. 3:23-cv-02568-K-BN
Internal Revenue Service, et al)
Defendant)

Summons in a Civil Action

TO: United States

(These copies of the summons and complaint are to be sent by registered or certified mail to the Attorney General of the United States at 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001.)

A lawsuit has been filed against you.

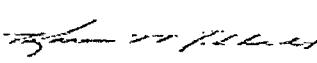
Within 21 days after service of this summons on you (not counting the day you received it) -- or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12(a)(2) or (3) -- you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Mawule Tepe (pro se)
3403 Peerless Road NW #G
Cleveland , TN 37312

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

DATE: 11/21/2023


Signature of Clerk or Deputy Clerk



Civil Action No. 3:23-cv-02568-K-BN

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for (name of individual and title, if any) United States
 was received by me on (date) 11-21-2023

I personally served the summons on the individual at (place) _____
 _____ on (date) _____; or

I left the summons at the individual's residence or usual place of abode with (name) _____
 _____, a person of suitable age and discretion who resides there,
 on (date) _____, and mailed a copy to the individual's last known address; or

I served the summons on (name of individual) Richard R., who is designated
 by law to accept service of process on behalf of (name of organization) United States Attorney
General Office in Austin, Texas on (date) 11-29-2023, or
The service is done via USPS Certified mail.

I returned the summons unexecuted because _____; or

other (specify) _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____

I declare under penalty of perjury that this information is true.

Date: 12-6-2023


 Server's signature

Manu Teye (Plants, ff)
 Printed name and title

3683 Peerless Rd NW #6, Cleveland TN 37311
 Server's address

Additional information regarding attempted service, etc:

I have served Attorney General Office in Austin, TX and in Washington DC with both IRS and United States copies of summons and complaint separately. See attachments.

APENDIX C

NOT RECOMMENDED FOR PUBLICATION

No. 24-5261

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED

Apr 24, 2024

KELLY L. STEPHENS, Clerk

ORDER

Before: GILMAN, WHITE, and THAPAR, Circuit Judges.

This matter is before the court upon initial consideration of appellate jurisdiction.

In November 2023, Mawule Tepe sued the Internal Revenue Service and the United States of America in the United States District Court for the Northern District of Texas. That court transferred the case to the Eastern District of Tennessee.

Due to “a pattern of repetitive and vexatious litigation,” however, Tepe has been enjoined from filing any new lawsuit in the Eastern District of Tennessee without first seeking and obtaining the court’s permission. R. 74, Pg. ID 592, *Tepe v. United States*, No. 1:22-cv-275 (E.D. Tenn. Feb. 16, 2023). On February 9, 2024, the district court held this case in abeyance and ordered Tepe to comply with the injunction by submitting his proposed complaint, a motion seeking leave to file, and other required documents. Tepe then appealed “any orders and/or judgments issued by the Northern District Court of Texas and/or the Eastern District Court of Tennessee in this cases [sic].” R. 18. The only orders these two courts have issued in this case involve the case’s transfer, Tepe’s filing restriction, and other routine, case-management tasks.

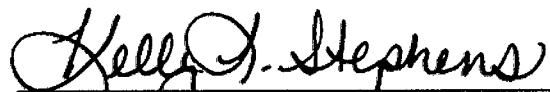
No. 24-5261

- 2 -

This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291, and certain interlocutory and collateral orders, 28 U.S.C. § 1292; *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541, 545-46 (1949); *see also Anderson v. Roberson*, 249 F.3d 539, 542-43 (6th Cir. 2001). No final order terminating all the issues presented in the litigation has been entered. *See Firestone Tire & Rubber Co. v. Risjord*, 449 U.S. 368, 373 (1981); *Bonner v. Perry*, 564 F.3d 424, 426-27 (6th Cir. 2009). Rather, Tepe's complaint remains in abeyance in the district court, and the court's February 9, 2024, order clearly contemplates further proceedings. Moreover, none of the district courts' orders in this case are appealable under § 1292 or the collateral-order doctrine. *See Miller v. Toyota Motor Corp.*, 554 F.3d 653, 655 (6th Cir. 2009) ("[I]t has long been settled that an order granting a transfer or denying a transfer is interlocutory and not appealable." (quotation omitted)).

For the foregoing reasons, the appeal is **DISMISSED**.

ENTERED BY ORDER OF THE COURT



Kelly L. Stephens, Clerk

United States Court of Appeals for the Sixth Circuit

U.S. Mail Notice of Docket Activity

The following transaction was filed on 04/24/2024.

Case Name: Mawule Tepe v. IRS, et al

Case Number: 24-5261

Docket Text:

ORDER filed : The appeal is DISMISSED. No mandate to issue. Decision not for publication.
Ronald Lee Gilman, Circuit Judge; Helene N. White, Circuit Judge and Amul R. Thapar, Circuit Judge.

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

Document Description: Order

Notice will be sent to:

Mr. Mawule Tepe
3403 Peerless Road, N.W.
Apartment G
Cleveland, TN 37312

A copy of this notice will be issued to:

Ms. LeAnna Wilson
Ms. Rachel Ida Wollitzer

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Apr 24, 2024
KELLY L. STEPHENS, Clerk

No. 24-5261

MAWULE TEPE,

Plaintiff-Appellant,

v.

INTERNAL REVENUE SERVICE; UNITED
STATES OF AMERICA,

Defendants-Appellees.

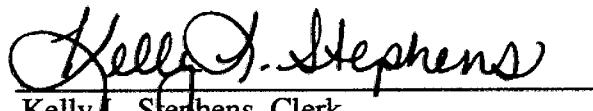
Before: GILMAN, WHITE, and THAPAR, Circuit Judges.

JUDGMENT

THIS MATTER came before the court upon consideration of appellate jurisdiction.

IN CONSIDERATION THEREOF, it is ORDERED that the appeal is **DISMISSED**.

ENTERED BY ORDER OF THE COURT



Kelly L. Stephens, Clerk

APENDIX D

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

MAWULE TEPE,)
) Case No. 1:19-cv-158
Plaintiff,)
)
v.)
)
WHIRLPOOL CUSTOMER)
EXPERIENCE CENTER)
)
Defendant.)

MAWULE TEPE,)
) Case No. 1:20-cv-332
Plaintiff,)
)
v.)
)
WHIRLPOOL CORPORATION, *et al.*,)
)
Defendants.)

MAWULE TEPE,)
) Case No. 1:21-cv-40
Plaintiff,)
)
v.)
)
JAVITCH BLOCK, LLC, *et al.*,)
)
Defendants.)

MAWULE TEPE,)
) Case No. 1:22-cv-111
Plaintiff,)
)
v.)
)
BANK OF AMERICA, *et al.*)
)
Defendants.)

MAWULE TEPE,)
) Case No. 1:22-cv-136
Plaintiff,)
)
v.)
)
WHIRLPOOL CORPORATION,)
)
Defendant.)

MAWULE TEPE,)
) Case No. 1:22-cv-231
Plaintiff,)
)
v.)
)
BANK OF AMERICA,)
)
Defendant.)

MAWULE TEPE,)
) Case No. 1:22-cv-252
Plaintiff,)
)
v.)
)
LUCILLE LATTIMORE NELSON, *et al.*,)
)
Defendants.)

MAWULE TEPE,)
) Case No. 1:22-cv-261
Plaintiff,)
)
 v.)
)
 BANK OF AMERICA, N.A., *et al.*)
)
Defendants.)

MAWULE TEPE,)
) Case No. 1:22-cv-264
Plaintiff,)
)
 v.)
)
 EMILY LOUISE NENNI, *et al.*,)
)
Defendants.)

MAWULE TEPE,)
) Case No. 1:22-cv-275
Plaintiff,)
)
 v.)
)
 UNITED STATES OF AMERICA, *et al.*)
)
Defendants.)

ORDER

Mawule Tepe filed suit against Whirlpool Corporation and related parties in May of 2019. *Tepe v. Whirlpool Customer Experience Center, et al.*, No. 1:19-cv-158 (E.D. Tenn. May

24, 2019). Since that time, Tepe has filed four additional lawsuits against Whirlpool Corporation and related parties, all of which are related to the original lawsuit.¹ Tepe also filed suit against Bank of America and related parties in March of 2021: *Tepe v. Javitch Block LLC, et al.*, No. 1:21-cv-040 (E.D. Tenn. March 03, 2021) (dismissed without prejudice for failure to effectuate service). Since that time, Tepe has filed five additional lawsuits against Bank of America and related parties, all of which are related to the original lawsuit.²

Beginning as early as January 2020, Tepe was recognized by the Court as a “prolific filer of motions and discovery requests....” *Tepe v. Whirlpool Customer Experience Center, et al.*, No. 1:19-cv-158, Doc. 60 (E.D. Tenn. Jan. 23, 2020). The Court has repeatedly warned Tepe about his filing conduct. *See Tepe v. Nelson, et al.*, No. 1:22-cv-252, Doc. 17, pp. 6-7 (Oct. 25, 2022) (outlining previous warnings by Court).

Tepe’s prolific filings have continued to increase unnecessarily. Seven of Tepe’s lawsuits were filed in 2022, five of those being within the same thirty-day period. The lawsuits duplicate allegations made in earlier lawsuits and collaterally attack orders entered in earlier lawsuits. Additionally, Tepe has begun to sue the attorneys representing the Defendants in the earlier lawsuits. *Tepe v. Nelson, et al.*, No. 1:22-cv-252 (E.D. Tenn. Oct. 5, 2022) and *Tepe v. Nenni, et al.*, No. 1:22-cv-264 (E.D. Tenn. Oct. 18, 2022). Due to the onslaught of lawsuits and

¹ See *Tepe v. Whirlpool Corp., et al.*, No. 1:20-cv-332 (E.D. Tenn. Dec. 2, 2020) (dismissed, with prejudice, pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim); *Tepe v. Whirlpool Corp., et al.*, No. 1:22-cv-136 (E.D. Tenn. May 25, 2022) (dismissed without prejudice for failure to effectuate service); *Tepe v. Nelson, et al.*, No. 1:22-cv-252 (E.D. Tenn. Oct. 25, 2022); and *Tepe v. United States, et al.*, No. 1:22-cv-275 (E.D. Tenn. Nov. 08, 2022).

² *Tepe v. Bank of America, et al.*, 1:22-cv-111 (E.D. Tenn. May 09, 2022); *Tepe v. Bank of America, et al.*, 1:22-cv-231 (E.D. Tenn. Sep. 09, 2022); *Tepe v. Bank of America N.A., et al.*, No. 1:22-cv-261 (E.D. Tenn. Oct. 14, 2022); *Tepe v. Nenni*, No. 1:22-cv-264 (E.D. Tenn. Nov. 18, 2022); and *Tepe v. United States, et al.*, No. 1:22-cv-275 (E.D. Tenn. Nov. 08, 2022).

motions therein, both the Bank of America Defendants and the Whirlpool Corporation Defendants have moved for protective orders against Tepe. *See Tepe v. Nelson, et al.*, No. 1:22-cv-252, Doc. 17 (E.D. Tenn. Oct. 25, 2022) and *Tepe v. United States, et al.*, No. 1:22-cv-275, Doc. 38 (E.D. Tenn. Dec. 01, 2022) (“Short of entry of a Vexatious Litigant Order, there is no end in sight to Plaintiff’s dilatory, duplicative, and bad faith conduct. Plaintiff continues to abuse the federal court system by harassing BANA, its counsel . . . with frivolous litigation, discovery requests, and filings.”). Accordingly, pursuant to Standing Order 18-04 (Aug. 2018), the Court referred Tepe to Chief Judge Travis R. McDonough for consideration of whether to implement a filing injunction against Tepe. *Tepe v. United States, et al.*, No. 1:22-cv-275, Doc. 10 (E.D. Tenn. Nov. 15, 2022) (Order).

On February 15, 2023, the Court held a hearing in Tepe’s cases. At the hearing, Tepe represented that he is considering filing additional lawsuits, including a potential lawsuit against judges of the United States Court of Appeals for the Sixth Circuit based on that court’s dismissal of his appeals in Case Nos. 1:21-cv-40 and 1:22-cv-111. Moreover, Tepe also indicated that he intends to continue his practice of including allegations and claims from previously-filed cases, many of which are still pending before the Court, in new lawsuits or amended complaints in more recently-filed lawsuits to avoid substantively responding to pending motions to dismiss, or, alternatively, to attempt to revive claims already dismissed by the Court. In other words, Tepe has made clear that he intends to continue taxing the Court’s resources with his filings absent Court intervention.

The Court has the authority to restrict prolific litigants from repeatedly filing frivolous matters without first obtaining leave of court. *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43-50 (1991); *Jones v. Kolb*, 91 Fed. Appx. 367, 369 (6th Cir. 2003). The Sixth Circuit has determined

that restricting prolific litigators from filing any document without prior approval by the Court is a proper method for handling the complaints of prolific litigators. *Filipas v. Lemons*, 835 F.2d 1145, 1145 (6th Cir. 1987); *Feathers v. Chevron U.S.A., Inc.*, 141 F.3d 264, 269 (6th Cir. 1998). “A prefiling review requirement is a judicially imposed remedy whereby a plaintiff must obtain leave of the district court to assure that the claims are not frivolous or harassing” and such a requirement is appropriate when a litigant has demonstrated a pattern of repetitive or vexatious litigation, particularly where “a litigant is merely attempting to collaterally attack prior unsuccessful suits.” *Raimondo v. United States*, No. , 2022 WL 3581144 (E.D. Mich. Aug. 19, 2022)

Here, Tepe has shown a pattern of repetitive and vexatious litigation as well as a pattern of attempting to collaterally attack prior unsuccessful suits. Considering Tepe’s history, the Court finds that nothing less than an injunction will likely be adequate to prevent future frivolous and vexatious filings in this Court.

Accordingly, Mawule Tepe is hereby permanently **ENJOINED** from filing any new lawsuit in this Court without first seeking and obtaining the Court’s permission to file.³ To obtain the Court’s permission to file, Tepe **MUST** submit to the Court:

1. A copy of the proposed petition or complaint to be filed.
2. A “Motion Pursuant to Court Order Seeking Leave to File,” which must include as exhibits:
 - a. A copy of this Order;

³ At this time, the Court’s injunction is limited to enjoining Tepe from filing new lawsuits without permission from the Court. Tepe’s filing history, however, includes numerous instances of frivolous motions practice, including, but not limited to, seeking to disqualify opposing counsel from appearing in his cases premised on his baseless assertion that opposing counsel are not admitted to practice before this Court. If Tepe continues to engage in frivolous motions practice that detracts from addressing the underlying merits of his claims, the Court will consider whether additional restrictions are appropriate.

- b. A declaration which has been prepared pursuant to 28 U.S.C. § 1746, or a sworn affidavit, certifying that:
 - i. the petition or complaint raises a new issue which has never been previously raised by him in this or any other court;
 - ii. the claims asserted in the petition or complaint are not frivolous; and
 - iii. the petition or complaint is not filed in bad faith.
- c. A statement that lists:
 - i. the full caption of each and every suit which has been previously filed by him or on his behalf in any court against each and every defendant named in any new suit he wishes to file, and
 - ii. the full caption of each and every suit which he has currently pending.

The Clerk is instructed to reject any proposed filings by Tepe that do not contain the required Motion Pursuant to Court Order Seeking Leave to File and exhibits. The Court may deny any motion for leave to file if the proposed document is frivolous, vexatious, harassing, or otherwise fails to comply with this Order. If the motion is denied, the proposed document shall not be filed and will be returned to Tepe.

The Court may dismiss any action initiated by the inadvertent filing by the Clerk's Office of any petition or complaint submitted by Tepe that has not been approved for filing pursuant to this Order. A failure to comply with this Order may lead to further sanctions.⁴

SO ORDERED.

/s/ *Travis R. McDonough*
TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE

⁴ In several of his cases, named defendants have filed motions for protective order or for sanctions based on Tepe's repetitive filings. (See Doc. 115 in Case No. 1:19-cv-158; Doc. 16 in Case No. 1:22-cv-252; Doc. 24 in Case No. 1:22-cv-252; Doc. 20 in Case No. 1:22-cv-261; Docs. 6, 37 in Case No. 1:22-cv-275). Those motions for protective orders are **GRANTED** to the extent they are consistent with the Court's filing injunction and are otherwise **DENIED**.

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