NO.

IN THE SUPREME COURT OF THE UNITED STATES

Carl Puckett et., al.
Carl Puckett "Pro-Se" and Marcella Puckett "Pro-Se"

PETITIONERS,

V.

Jabbar, et., al.

RESPONDENT,

Application for Extension of Time Within Which to File for a Writ of Certiorari to the Court of Appeals for the Sixth Circuit No:24-5282, 24-5537

APPLICATION FOR EXTENSION OF TIME TO FILE A PETITION FOR A WRIT OF CERTIORARI

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APPLICATION FOR AN EXTENSION OF TIME

In accordance with Court Rules 13.5, 21.2c, 22, and 30, Petitioners respectfully requests a 60-day extension of time, up to and including July 30th, 2025, to file a petition for a writ of certiorari to the United States Court of Appeals for the Sixth Circuit to review that court's decision in Appeal Number:. [24-5537,/24-5282] Case Style: Puckett et., al v. Jabbar et. al., District Court Docket No: 1:23-cv-01143

1. Petitioner.s Carl Puckett "Pro-Se" and Marcella Puckett "Pro-Se", doing business under the fictitious business name devildogstreasure had met with the U.S. Attorney's office in Jackson Tennessee On November 8th, 2022 with assistant U.S. Attorney Vic (now retired) and assistant U.S. Attorney Matt Wilson, to review their civil RICO complaint and extensive exhibits of evidence involving high profile individuals, and obtain permission for its filing which was granted after over an hour of review.

2. The complaint filed on July 21st, 2023, in the Western District of Tennessee Jackson Eastern Division which was assigned case no 1:23-cv-01143.alleges the defendants are engaged in (not a singular) but a repeated mass action litigation scheme, involving a conspiracy to commit fraud enacted by using plaintiff lack of standing fraud, fraudulently claiming rights to trademarks that had been dead canceled or abandoned, subordination of perjury declarations through wire fraud,

the creation of false documents with a false US NIST authentication feature by unlicensed foreign actors, labeled evidentiary screenshots, and through an abuse of judicial process by fraudulently invoking the counterfeiting statutes of the Lanham Act 15 U.S.C. 1116, in order to seek an immediate injunction of a TRO seizure and freeze on all financial accounts without any notice or hearing as prescribed by 15 U.S.C. 1116. The ex parte TRO with seizure provisions is not for the items for which 15 U.S.C. 1116 was enacted, but only for the business records and the take down of the victims stores, in order to determine an amount they can extort from those engaged in lawful interstate commerce, while holding their businesses hostage similar to the scheme noted in a similar case as cited within the Petitioner's complaint[1] . Because of the seriousness and potential criminal liability of defendants which includes a network of attorneys, 2 federal judges, and others, the Pucketts referred to the same facts they previously presented in the U.S. Attorney's Office incorporated as part of their complaint, facts that are readily capable of accurate determination by sources whose accuracy cannot reasonably be questioned in accordance with the Federal Rules of Evidence 201. Where this court has held that *"A district court could dismiss a complaint as factually frivolous* ***only if the allegations conflicted with judicially noticeable facts,*** *that is, facts "'capable*

[1] *see Weifang Tengyi Jewelry Trading Co. Ltd v. The Partnerships and Unincorporated Associations Identified on Schedule "A", No. 1:2018cv04651 - Document 274 (N.D. Ill. 2019)*

of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned" the Petitioner's complaint was supported by these facts which the court refused to take judicial notice of.[2]

The Pucketts also cited supporting case law within their complaint and attached over 86 exhibits consisting of statutes, sworn declarations, USPTO federal agency records, court transcripts and related court documents, attached to and filed with their complaint which substantiated their allegations as facts. Fed. R. Civ. P. 10(c) *"A copy of any written instrument which is an exhibit to a pleading is a part thereof for all purposes."*.

3. The Puckett's pro-se, on 7-24-23, filed a motion for appointment of counsel in a complex civil litigation. The magistrate applied the *"exceptional circumstances tests"* which is a three factor test used by the 6th circuit[3]. Where the first factor is whether the litigant's claims are frivolous in part "to weed out at an early stage frivolous claims", and if so no determination as to consider the ability of the litigant to represent themselves and the complexity of the case is necessary and would be rendered as moot. Appointment of counsel pursuant to 28 U.S.C. § 1915(d) is not appropriate when a pro se litigant's claims are frivolous the magistrate made no finding of the complaint as frivolous and then considered the complexity of the case

[2] DENTON v. HERNANDEZ 504 U. S. 25 (1992) " Id., at 1426 (quoting Fed. Rule Evid. 201)
[3] *Lavado v. Keohane, 992 F.2d 601, 605 (6th Cir. 1993).exceptional circumstances test*

and found the Plaintiffs to have the ability to represent themselves (RE 9).

The court continued to exercise jurisdiction in granting several attorney ad hoc vice applications for various defendants through 12-06-23. Petitioners filed multiple motions to extend time for service of summons for defendants evading service which the court did not answer. The appearing defendants all filed Motions to dismiss the complaint as frivolous, intentionally misrepresenting the actual facts of the complaint and contradicting the exhibits attached to the complaint. Petitioners filed a motion for leave to amend the complaint and a motion for sanctions against defendants presenting intentional misrepresentations to the court. These motions also went unanswered.

On 12-11-23, the defendant judges appeared represented by the Memphis U.S. attorney's office by U.S. assistant attorney Calkins and U.S. Attorney Kevin Ritz, who petitioners were unaware of at the time had also served as the legal clerk for the 6th circuit appellate judge Gibbons from 2004-2005. On 12-18-23 petitioners filed a renewed motion for appointment of counsel based upon conflicting interest in that the U.S. attorney's office who gave them permission to file their complaint after reviewing it and the exhibits of evidence, was not representing the defendant judges in the case (RE 87). The court continued to exercise jurisdiction in granting several attorney ad hoc vice applications for various defendants through 1-12-24 and did

not respond to the petitioner's renewed motion for appointment of counsel. Petitioners were unaware that U.S. attorney Ritz had been nominated in March 2024 to replace appellate judge Gibbons for whom he previously clerked and who made no attempt at substitution or withdrawal from representation in the case where Ritz continued to attach his name to legal pleadings, was ever made.

On 1/24/24 the magistrate issued an R & R quoting the language and intentional misrepresentations made by the defendants in their motions to dismiss petitioners complaint as frivolous, which was not only contrary to the facts as actually stated within the complaint but contrary to the exhibits and supporting evidence attached to the complaint which the court refused to acknowledge or take judicial notice of and petitioners objected on that basis to the R & R (RE 124). The R&R using the exact language of the defendants intentional misrepresentations, recommended the court make a finding sua sponte dismissal for lack of subject matter jurisdiction FRCP 12(1) of petitioner's complaint as being wholly fictitious under the standard set in *Apple v. Glenn, 183 F.3d 477 (6th Cir. 1999)*while citing language from the defendants motions requesting the finding, and omitting any proper reference to the numerous exhibits, courts cases and records cited within the complaint.required under Federal Rules of evidence 201, F.R.C.P. 10(c)To disregard these rules requirements deny plaintiffs the practical protections of Rule 12(b)(6) -- notice of a

pending motion to dismiss and an opportunity to amend the complaint before the motion is ruled on -- which are not provided when complaints are dismissed *sua sponte* under § 1915(d) *see Neitzke v. Williams, 490 U.S. 319 (1989).* The magistrate's second R&R (RE 124) conflicted with the first R & R (RE 9) that did not make a finding that petitioner's complaint was fictitious while applying the standard that required such a determination

On 1-26-24, the defendant judges represented by the U.S. attorney filed a motion to dismiss based upon complete judicial immunity, and several defendants, including the judges represented by the U.S. attorney's office, requested the court to place filing restrictions on the petitioners if the dismissal was without prejudice. On 3-5-24 the judge adopted the report and recommendations and added threats of filing restrictions against the petitioners as requested by the U.S. Attorney which the petitioners deemed as improper inducement based upon the conflict of interest argument raised with their pending renewed motion for appointment of counsel which was acknowledged by the magistrate within the second R&R (RE 120).

In adopting the magistrates R & R, the judge added a finding that the complaint was wholly fictitious on the basis that judges have complete immunity ignoring petitioner's argument and submission of facts showing the judges acted without complete jurisdiction, the sole exception to the judicial immunity doctrine.

The court States;

*" Plaintiffs' allegation that two federal judicial officers took part in the supposed RICO conspiracy is even more untenable. Judges have absolute judicial immunity from suits against them" Pierson v. Ray, 386 U.S. 547, 553–54 (1967); Burnham v. Friedland, No. 21-3888, 2022 WL 3046966, at *1–2 (6th Cir. Aug. 2, 2022) (affirming the dismissal sua sponte of a claim against a judge as frivolous and implausible)."*

The subsequent finding of the court that Petitioner's complaint was wholly fictitious pursuant to the standard set forth in *Apple v. Glenn, 183 F.3d 477 (6th Cir. 1999)* was an abuse of discretion as "*dismissal on these grounds is appropriate '**only in the rarest of circumstances**'*".The accuracy of calling these dismissals jurisdictional has been questioned by the Supreme Court see .. and if the allegations have any foundation in truth, ***the plaintiffs' legal rights have been ruthlessly Violated***" see *Bell v. Hood, 327 U.S. 678 (1946)* and reviewable under both the abuse of discretion standard and the clearly erroneous standard. The R & R (RE 120) was based upon intentional misrepresentations by defendants as to the actual statements of the petitioner's complaint that was supported by exhibits to substantiate the allegations as fact which the court refused to take judicial notice of and petitioners rights were ruthlessly violated.Too often courts describe issues as jurisdictional when they are really merits based. "The doctrine of Judicial immunity isn't a jurisdictional doctrine; it's an affirmative defense that goes to the merits see *Burnham v. Friedland, No. 21-3888, 2022 WL 3046966, at *1–2 (6th Cir. Aug. 2, 2022).*

The Supreme Court has made it clear that in that situation no purpose is served by indirectly arguing the merits in the context of federal jurisdiction. The problem arises because, conceptually, the court cannot rule on the merits if it has no jurisdiction[4]. There appears to be no justification for such a ruling under the Federal Rules.issues of fact, must be decided after, and not before, the court has assumed jurisdiction over the controversy.

On 3-15-24, the petitioners filed a motion for reconsideration within the district court addressing the conflict of interest with the U.S. attorney's office who had met with and extensively viewed the petitioners complaint and giving them permission to file as was raised in their pending renewed motion for appointment of counsel (RE 87). Which the petitioners now viewed as improper inducement and requested their reimbursement for costs (RE 140). The court ruled that the petitioners were making this argument for the first time and were therefore barred from making it in their motion for reconsideration despite the fact that petitioners were not making this argument for the first time and raised it in their renewed motion for appointment of counsel that the magistrate acknowledged as pending within his R & R (RE 120).

Petitioners were still unaware that the U.S. Ritz representing the defendant judges was going through senate confirmation hearings for confirmation to the 6th

[4] *DENTON v. HERNANDEZ 504 U. S. 25 (1992) " Id., at 1426 (quoting Fed. Rule Evid. 201)*

circuit court of appeals, however, judge Gibbons was aware that her former law clerk and U.S. attorney Ritz was going through the confirmation process to replace her vacancy left by electing to take senior status.

On 3-28-24, the Pucketts filed an appeal pro-se and judge Gibbons was one of the judges on the panel to take the appeal despite her knowing that Attorney Ritz represented the defendant judges, and her former law clerk was now being confirmed to replace her seat on the bench and attorney Ritz did not withdraw from his representation. Judge Ronald Lee Gilman assumed senior status on November 21, 2010 and petitioners claim the senior judge presiding over their appeal as unconstitutional as 28 U.S.C 44 permits 16 justices to serve the cases brought before the 6th circuit while senior judges are required to take on other duties and assignments to prevent violating the requirements of 28 U.S.C. 44, the constitution and 28 U.S. Code § 294[5]

On 8-21-24, U.S. attorney assistant Calkins and U.S. Attorney Ritz, now being confirmed to the bench of the 6th circuit court of appeals, filed a brief on behalf of the defendant judges the cover is attached hereto. In September of 2024 U.S. attorney Ritz resigned from the U.S. attorney's office but did not withdraw as counsel representing the defendant judges as the U.S. attorney a position he

[5] David R. Stras and Ryan W. Scott, Are Senior Judges Unconstitutional , 92 Cornell L. Rev. 453 (2007)

resigned from and on September 19th 2024, Attorney Ritz was confirmed to the bench replacing Judge Gibbons on the 6th circuit court of appeals but still did not withdraw as counsel for the defendant judges in the Pucketts pending appeal.

On 2-11-25, The court denied the petitioner's appeal after applying the wrong standard of review, refusal to take judicial notice of the exhibits, and adopting the arguments from now judge Ritz pleading on behalf of defendant judges. In an effort to "sweep the case under the rug" the appellate court prematurely issued a mandate on the dismissal in violation of its own FRAP 40(d)(1) permitting a petition for rehearing to be filed and the calculation of time which permits the time within which a party may seek a Petition for reconsideration is extended when any party is an employee of the United States. At least two parties are United States Employees. Petition for rehearing Rules of Appellate Procedure 40 (d)(1) time any petition for rehearing must be filed within 14 days after judgment But in a civil case, the petition may be filed by any party within 45 days after entry of judgment if one of the parties is: (D) a current United States officer or employee sued in an individual capacity in which the United States represents that person when the court of appeals' judgment is Entered.

Petitioners had submitted their petition for rehearing which was returned unfiled by the court on 3-20-25, and petitioner immediately filed a motion to recall

appearing pro-se, and that a one time extension of 60 days would allow the petitioners ample time to prepare an effective petition in this matter. A one-time extension of 60 days will allow petitioners to prepare an effective petition.

CONCLUSION

Accordingly, the petitioners respectfully request that the Honorable Justice Kavanaugh grant an order to be entered extending the time to file a petition for a writ of certiorari for 60 days, up to and including December 4th, 2025.

Respectfully submitted,

Carl Puckett-Petitioner "Pro-Se"

Macella Puckett-Petitioner "Pro-Se"

NOT RECOMMENDED FOR PUBLICATION

Nos. 24-5282/5537

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

CARL ELLEN PUCKETT, JR; MARCELLA PUCKETT, Plaintiffs-Appellants Cross-Appellees, v. AIN JEEM, INC., et al., Defendants-Appellees, AXENCIS, INC., Defendant-Appellee Cross-Appellant.	)	ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE

ORDER

Before: GILMAN, GIBBONS, and BLOOMEKATZ, Circuit Judges.

Carl Ellen Puckett, Jr., and his wife, Marcella Puckett, both proceeding pro se, appeal a district court judgment sua sponte dismissing their complaint for lack of subject-matter jurisdiction. (No. 24-5282). Axencis, Inc. conditionally cross-appeals the same judgment. (No. 24-5537). These cases have been referred to a panel of the court that, upon examination, unanimously agrees that oral argument is not needed. *See* Fed. R. App. P. 34(a). For the reasons that follow, we affirm the district court's judgment.

The Pucketts filed a complaint against Ain Jeem, Inc.; several Ain Jeem employees; Iconomy, LLC; Axencis; two federal judges; ten attorneys; Kareem Abdul-Jabbar; the National Basketball Association (NBA); and Etsy, Inc. The Pucketts asserted that they co-own an online business called Devildogstreasure and sell items through Etsy, an online shopping platform. In June 2021, the Pucketts' online business was removed from Etsy, and their account was frozen. The Pucketts alleged that their business issues resulted from a trademark infringement suit filed

by Ain Jeem against Carl Puckett and 76 additional defendants in the United States District Court for the Middle District of Florida, which alleged that Puckett sold a 1989 "NBA trademarked collectible plate displaying an artistic image of Kareem Abdul[-]Jabbar and identifying the" name of the artist and NBA trademark. The Pucketts described the procedural history of the Florida litigation in painstaking detail and claimed that judges, attorneys, litigants, and others possibly associated with that case were involved in a conspiracy to extort money from them "through abuse of the judicial process" by "holding their online business hostage" until enormous payments were made, in violation of the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. §§ 1961-1968. The Pucketts sought injunctive and monetary relief.

The defendants moved to dismiss the complaint on various grounds, including subsections of Federal Rule of Civil Procedure 12(b). The Pucketts responded to the defendants' motions and moved to amend their complaint. On the recommendation of a magistrate judge and over the Pucketts' objections, the district court dismissed the Pucketts' complaint sua sponte without prejudice for lack of subject-matter jurisdiction under *Apple v. Glenn*, 183 F.3d 477 (6th Cir. 1999) (per curiam), concluding that their claims were "totally implausible and frivolous" and that they failed to allege a RICO conspiracy. The court denied the Pucketts' motions to amend, concluding that they were not entitled to amend their complaint given its implausibility, and dismissed as moot all remaining pending motions, including the defendants' motions to dismiss. The court also denied the Pucketts' Federal Rule of Civil Procedure 59(e) and 60(b)(6) motion for reconsideration.

On appeal, the Pucketts challenge the dismissal of their complaint. They argue that (1) the magistrate judge's recommendation to dismiss their complaint as frivolous under *Apple* contradicted an earlier ruling and that the district court (2) misapplied judicial immunity because an exception to immunity applied, (3) misapplied the Full Faith and Credit Clause, (4) failed to address their motions to amend their complaint, (5) improperly considered the merits of one of their amended complaints, and found it futile, without subject-matter jurisdiction, (6) violated their First Amendment rights by censoring the language in their complaint, (7) prevented an appeal by certifying that an appeal could not be taken in good faith, (8) threatened to impose pre-filing

restrictions on them, and (9) adopted statements in Etsy's response opposing their motion for reconsideration. The Pucketts request oral argument. Axencis has filed a conditional cross-appeal, advocating affirmance of the district court's judgment and offering alternative reasons for affirmance only if we agree with the Pucketts' position on appeal.

We review de novo a district court's dismissal of a complaint for lack of subject-matter jurisdiction. *Loren v. Blue Cross & Blue Shield of Mich.*, 505 F.3d 598, 604 (6th Cir. 2007). Generally, a fee-paid complaint may not be sua sponte dismissed without affording the plaintiff an opportunity to amend it. *Apple*, 183 F.3d at 479. "Nevertheless, a district court may, at any time, *sua sponte* dismiss a complaint for lack of subject-matter jurisdiction" under Rule 12(b)(1) when its allegations "are totally implausible, attenuated, unsubstantial, frivolous, devoid of merit, or no longer open to discussion." *Id.* Sua sponte dismissals are "reserved only for patently frivolous complaints, which present no Article III case because there is 'no room for the inference that the question[s] sought to be raised can be the subject of controversy.'" *Zareck v. Corrs. Corp. of Am.*, 809 F. App'x 303, 305 (6th Cir. 2020) (alteration in original) (quoting *Hagans v. Lavine*, 415 U.S. 528, 537 (1974)).

RICO makes it "unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt." 18 U.S.C. § 1962(c). To establish a "pattern of racketeering activity," the Pucketts needed to plead facts showing that the defendants committed at least two predicate offenses. *See* 18 U.S.C. § 1961(1), (5); *Sedima, S.P.R.L. v. Imrex Co.*, 473 U.S. 479, 496 n.14 (1985). But their complaint offered only conclusory allegations of wrongdoing by judges, attorneys, litigants, and others possibly associated with the Florida litigation, and, without any specific supporting facts, essentially twisted that legitimate trademark-infringement suit into a broad RICO conspiracy. Such conclusory allegations are insufficient to plausibly allege each element of a RICO cause of action and, more specifically, that any defendant engaged in criminal racketeering activity. *See* 18 U.S.C. § 1961(1), (5); *Sedima, S.P.R.L.*, 473 U.S. at 496. The Pucketts' complaint was therefore properly dismissed for lack of subject-matter jurisdiction.

None of the Pucketts' arguments compel a different result. The Pucketts argue that the magistrate judge's recommendation to dismiss their complaint under *Apple* contradicted an earlier ruling. This is incorrect. The earlier ruling to which the Pucketts refer is the denial of their motion for appointment of counsel. In that order, the magistrate judge did not explicitly find the Pucketts' complaint frivolous but found that they had not distinguished its merits from their prior factually similar complaint that was dismissed, in part, for failure to state a claim for relief under Rule 12(b)(6). That the magistrate judge later recommended dismissal of the Pucketts' complaint for lack of subject-matter jurisdiction under *Apple* does not contradict the prior ruling denying their motion for appointment of counsel. And the magistrate judge's observation that the length of the Pucketts' complaint and supporting exhibits suggested that they had conducted extensive research concerned their ability to represent themselves, not the substance of their complaint.

The Pucketts next argue that the district court misapplied judicial immunity, invoking the exception that applies when judges act without jurisdiction or in a non-judicial capacity. But the district court properly found that the judicial defendants were immune from the Pucketts' suit. The Pucketts challenged judicial rulings within the scope of the judicial defendants' official duties and jurisdictional authority as judges. Thus, the Pucketts have failed to show that the judicial defendants acted in a non-judicial capacity or without jurisdiction when issuing rulings in the Florida litigation. *See Mireles v. Waco*, 502 U.S. 9, 11-12 (1991) (per curiam) (observing that judicial immunity is overcome only "for nonjudicial actions" and actions "taken in the complete absence of all jurisdiction"); *Stump v. Sparkman*, 435 U.S. 349, 356-57 (1978) ("A judge will not be deprived of immunity because the action he took was in error, was done maliciously, or was in excess of his authority."); *Wellman v. PNC Bank*, 508 F. App'x 440, 443 (6th Cir. 2012) (per curiam) ("A judge acts in the complete absence of all jurisdiction only if the matter upon which the judge acts is clearly outside the subject matter of the court over which the judge presides.").

The Pucketts also argue that the district court misapplied the Full Faith and Credit Clause. But they fail to show how that clause applies to their case. The United States Constitution mandates that "[f]ull Faith and Credit shall be given in each State to the . . . judicial Proceedings of every other State." U.S. Const. art. IV, § 1. Because the Pucketts challenged litigation in a

federal court in Florida, they have failed to show how the Full Faith and Credit Clause was implicated.

The Pucketts next argue that the district court failed to address their motions to amend their complaint and improperly found one amended complaint futile without subject-matter jurisdiction. The district court denied the Pucketts' motions to amend, concluding that they were not entitled to amend their complaint given its implausibility. Because the district court determined that the Pucketts' complaint met the *Apple* standard, the court was not required to allow them an opportunity to amend it before dismissal. *Apple*, 183 F.3d at 479. In any event, the Pucketts' proposed amended complaints were futile because, as explained by the magistrate judge, they suffered from the same defects as the original complaint.

The Pucketts argue that the district court violated their First Amendment rights by censoring the language in their complaint when it adopted the magistrate judge's recommendation to dismiss. Specifically, they contend that the magistrate judge censored their complaint by considering it as if stripped to its "literary mechanisms." But no censorship occurred. Rather, when adopting the magistrate judge's recommendation, the district court considered the Pucketts' complaint, reduced to its core factual allegations and without legal conclusions.

The Pucketts argue that the district court prevented an appeal by certifying that an appeal could not be taken in good faith. If a district court certifies that an appeal could not be taken in good faith, an appellant may not proceed on appeal in forma pauperis. 28 U.S.C. § 1915(a)(3). An appeal may proceed despite that certification, however, if the filing fee is paid. As this appeal shows, the district court's § 1915(a)(3) certification did not prevent the Pucketts from appealing the district court's judgment. Their payment of the appellate filing fee allowed their appeal to proceed.

The Pucketts argue that the district court abused its discretion by threatening to impose pre-filing restrictions on them. In their response opposing the Pucketts' motion to reconsider, the judicial defendants asked the district court to either impose pre-filing restrictions or warn the Pucketts that such restrictions were possible. The district court discussed the Pucketts' litigation history, including this case and a similar one, and noted that this case was sua sponte dismissed

and the other case voluntarily dismissed after the magistrate judge recommended its dismissal. The district court did not impose any pre-filing restrictions but warned the Pucketts that the court would consider imposing them if they filed repetitive and frivolous motions.

A district court has discretion to impose pre-filing restrictions in cases "with a history of repetitive or vexatious litigation." *United States ex rel. Odish v. Northrop Grumman Corp.*, 843 F. App'x 748, 750 (6th Cir. 2021) (per curiam) (quoting *Feathers v. Chevron U.S.A., Inc.*, 141 F.3d 264, 269 (6th Cir. 1998)). But before imposing such restrictions, due process requires the court to give the litigant notice and an opportunity to be heard. *See NPF Franchising, LLC v. SY Dawgs, LLC*, 37 F.4th 369, 377 (6th Cir. 2022). Given the Pucketts' litigation history summarized by the district court, the court's warning that pre-filing restrictions may be considered in the future was not improper.

Last, the Pucketts argue that the district court demonstrated bias and prejudice by adopting statements in Etsy's response opposing their motion for reconsideration. They point to the district court's finding that their suggestion that they received permission from the United States Attorney to bring this RICO suit was a new argument inappropriate for their motion to reconsider. They contend that this argument was not new and that the magistrate judge addressed it in the report and recommendation adopted by the district court. Contrary to the Pucketts' contention, the magistrate judge's report recommending dismissal, adopted by the district court, did not address a suggestion that the Pucketts received permission from the United States Attorney to file this suit. So the district court treated it as a new argument, and doing so did not evince bias or prejudice.

We therefore **DENY** the Pucketts' request for oral argument and **AFFIRM** the district court's judgment. Because we affirm the district court's judgment, we **DISMISS** as moot Axencis's conditional cross-appeal.

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 02/11/2025.

Case Name: Carl Puckett, et al v. Jabbar, et al
Case Number: 24-5282

Docket Text:
ORDER filed: We DENY the Pucketts' request for oral argument and AFFIRM the district court's judgment. Because we affirm the district court's judgment, we DISMISS as moot Axencis's conditional cross-appeal. Mandate to issue, decision not for publication, pursuant to FRAP 34(a)(2)(C). Ronald Lee Gilman, Circuit Judge; Julia Smith Gibbons, Circuit Judge and Rachel Bloomekatz, Circuit Judge. [24-5282, 24-5537]

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

Notice will be sent to:

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A copy of this notice will be issued to:

Ms. Stacy Blank
Ms. Audrey Martha Calkins
Mr. Kerry Steven Culpepper
Mr. Gregory Dubinsky
Mr. Richard Guerra
Ms. Kaitlyn Abernathy Hansen
Mr. Avery Holloman
Mr. Jeffrey Jay Mayer
Mr. Matthew Sinon Mulqueen
Ms. Wendy R. Oliver
Ms. Heather M. Gwinn Pabon
Mr. Marcus W. Shute Jr.

Nos. 24-5282/5537

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

CARL ELLEN PUCKETT, JR; MARCELLA PUCKETT,

Plaintiffs-Appellants Cross-Appellees,

v.

AIN JEEM, INC., et al.,

Defendants-Appellees,

AXENCIS, INC.,

Defendant-Appellee Cross-Appellant.

ORDER

Before: GILMAN, GIBBONS, and BLOOMEKATZ, Circuit Judges.

Carl Ellen Puckett, Jr., and his wife, Marcella Puckett, proceeding pro se, petition the court to rehear its February 11, 2025, order that affirmed a district court judgment sua sponte dismissing their complaint for lack of subject-matter jurisdiction.

The Pucketts' petition does not show that the court overlooked or misapprehended any point of law or fact when it issued its order. *See* Fed. R. App. P. 40(b)(1)(A). The petition for rehearing is **DENIED**.

ENTERED BY ORDER OF THE COURT

Kelly L. Stephens, Clerk