

DLD-011

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 22-2020

SANDRA RUMANEK,
Appellant

v.

SHERRY R. FALLON; DAVID G. CULLEY; TIMOTHY M. HOLLY; MARY I.
AKHIMIEN; MATTHEW F. BOYER; NICHOLAS W. WOODFIELD; BERNARD G.
CONAWAY; R. SCOTT OSWALD; SANDRA F. CLARK; JOSEPH J. RHOADES;
RICHARD R. COOCH; LOUIS J. RIZZO, JR.; CHARLES E. BUTLER; STATE OF
DELAWARE; SPILLAN, Delaware State Police Officer Spillan, IBM 770; MATT
DENN, Delaware Attorney General; SUSAN JUDGE; PATRICK O'HARE; ANNETTE
FURMAN; LISA AMATUCCI; ROBERT CRUIKSHANK

On Appeal from the United States District Court
for the District of Delaware
(D.C. Civil Action No. 1-17-cv-00123)
District Judge: Honorable Christopher C. Conner

Submitted on Appellee's Motion for Summary Action
Pursuant to Third Circuit LAR 27.4 and I.O.P. 10.6
October 20, 2022
Before: JORDAN, SHWARTZ, and SCIRICA, Circuit Judges

(Opinion filed: November 4, 2022)

OPINION*

PER CURIAM

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

A

Sandra Rumanek appeals pro se from the District Court's order enjoining her from further filings in her long-closed case. Appellee Sherry R. Fallon has moved the Court to summarily affirm the District Court's order, and appellees Louis J. Rizzo, Jr., Sandra F. Clark, Timothy M. Holly, Mary L. Akhimien, and Matthew F. Boyer join her motion. For the following reasons, we grant the motion and will summarily affirm the District Court's order.

I.

More than a decade ago, Rumanek sued her former employer in federal court. United States Magistrate Judge Sherry R. Fallon presided over the case. Rumanek lost at trial, and we affirmed the judgment on appeal. Rumanek v. Indep. Sch. Mgmt., Inc., 619 F. App'x 71, 80 (3d Cir. 2015) (per curiam) (not precedential).

Rumanek later brought a pro se civil rights action against Judge Fallon and many others, alleging that they had engaged in a conspiracy to thwart her litigation efforts in federal and state court. The District Court permitted her to amend her complaint several times, but, after the sixth amended complaint, the District Court advised her that it would not entertain further attempts to amend and would strike any unauthorized filings. Rumanek nevertheless sought leave to file a seventh and then eighth amended complaint.¹ The District Court responded by striking both filings and twice admonishing

constitute binding precedent.

¹ She also filed a mandamus petition, which we denied. In re Rumanek, 740 F. App'x 20, 22–23 (3d Cir. 2018) (per curiam) (not precedential).

Rumanek that further violation of its prior order might warrant sanctions. Rumanek filed proposed ninth and tenth amended complaints. The District Court struck those filings, too. The court then granted then-pending dispositive defense motions and closed the case.²

Rumanek next filed proposed eleventh and twelfth amended complaints. The District Court entered an order denying her leave to amend, also observing that the case was closed and the motions meritless. The District Court advised Rumanek that it would not entertain any further filings other than nonfrivolous motions authorized by the Federal Rules of Civil Procedure. Rumanek filed additional unauthorized filings, and sought leave to file a thirteenth and then a fourteenth amended complaint.

As a result, the District Court entered an order enjoining her from any further filings in this action. We vacated that order, however, because the District Court had not given Rumanek the requisite notice and opportunity to respond to the proposed restrictions. We thus remanded the matter, noting that nothing in our opinion prevented the District Court from reimposing the same injunction, provided it gave Rumanek sufficient notice and opportunity to respond.

² Rumanek's appeals from the District Court's judgment and an earlier ruling were dismissed as untimely. Rumanek v. Fallon, C.A. No. 19-2290, Doc. 48 (3d Cir. Feb. 11, 2020) (order); Rumanek v. Fallon, C.A. No. 19-2289, Doc. 53 (3d Cir. Feb. 6, 2020) (order). Before that, we had denied Rumanek's second mandamus petition related to this case. In re Rumanek, 756 F. App'x 158, 160 (3d Cir. 2019) (per curiam) (not precedential).

Following remand, the District Court entered an order directing Rumanek to show cause why an injunction should not issue. In response, Rumanek continued to insist that she was entitled to amend her complaint. On May 20, 2022, the District Court entered an order again explaining to her that none of her filings are appropriate post-judgment motions and reimposing the filing injunction in this case. Rumanek appealed.^{3 4}

Appellee Judge Fallon now moves to summarily affirm the District Court's order. Appellees Louis J. Rizzo, Jr., Sandra F. Clark, Timothy M. Holly, Mary L. Akhimien, and Matthew F. Boyer join her motion.

II.

We have jurisdiction under 28 U.S.C. § 1291. We review the District Court's order for abuse of discretion. See In re Packer Ave. Assoc., 884 F.2d 745, 746–47 (3d Cir. 1989). We may summarily affirm if the appeal fails to present a substantial question. 3d Cir. L.A.R. 27.4; 3d Cir. I.O.P. 10.6.

III.

The filing injunction issued on May 20, 2022, complied with the applicable requirements. See Brow v. Farrelly, 994 F.2d 1027, 1038 (3d Cir. 1993) (providing that

³ We grant Rumanek's motion for leave to proceed in forma pauperis.

⁴ Rumanek states in her notice of appeal that she also seeks review of “all previous orders in this matter.” ECF No. 175, 1. We lack jurisdiction to review the District Court's previous orders, as the notice of appeal is not timely with respect to those orders. See Fed. R. App. P. 4(a)(1)(A) (providing that a notice of appeal in civil case in which the United States is not a party must be filed within 30 days of the entry of the order or judgment being appealed); Bowles v. Russell, 551 U.S. 205, 214 (2007) (explaining that

when imposing a filing injunction: (1) the order should be entered only in exigent circumstances, such as when a litigant continuously abuses the judicial process by filing meritless and repetitive actions; (2) the District Court must give notice to the litigant to show cause why the proposed injunction should not issue; and (3) the scope of the injunctive order must be narrowly tailored to fit the particular circumstances of the case). As we previously explained, the first requirement is plainly satisfied given Rumanek's clear disregard for the District Court's directives about permissible post-judgment filings in this case. Second, the District Court's show-cause order put her on notice that continued unauthorized filings would result in a filing injunction. Third, the injunction was tailored to address the circumstances here, as Rumanek continues to file various improper motions, letters, and other documents, and the injunction is limited to filings in this particular case. See Farguson v. MBank Houston, N.A., 808 F.2d 358, 360 (5th Cir. 1986) (upholding injunction that related "only to the same claims against the same defendants" and did not prohibit "[o]ther claims or claims against other parties").

IV.

Accordingly, because this appeal presents no substantial question, we grant the motion for summary affirmance and will summarily affirm the District Court's order.

this time limit is mandatory and jurisdictional).

DLD-011

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 22-2020

SANDRA RUMANEK,
Appellant

v.

SHERRY R. FALLON; DAVID G. CULLEY; TIMOTHY M. HOLLY; MARY I.
AKHIMIEN; MATTHEW F. BOYER; NICHOLAS W. WOODFIELD; BERNARD G.
CONAWAY; R. SCOTT OSWALD; SANDRA F. CLARK; JOSEPH J. RHOADES;
RICHARD R. COOCH; LOUIS J. RIZZO, JR.; CHARLES E. BUTLER; STATE OF
DELAWARE; SPILLAN, Delaware State Police Officer Spillan, IBM 770; MATT
DENN, Delaware Attorney General; SUSAN JUDGE; PATRICK O'HARE; ANNETTE
FURMAN; LISA AMATUCCI; ROBERT CRUIKSHANK

On Appeal from the United States District Court
for the District of Delaware
(D.C. Civil Action No. 1-17-cv-00123)
District Judge: Honorable Christopher C. Conner

Submitted on Appellee's Motion for Summary Action
Pursuant to Third Circuit LAR 27.4 and I.O.P. 10.6
October 20, 2022
Before: JORDAN, SHWARTZ, and SCIRICA, Circuit Judges

JUDGMENT

This cause came to be considered on the record from the United States District Court for the District of Delaware and was submitted on Appellee's motion for summary action pursuant to Third Circuit LAR 27.4 and I.O.P. 10.6 on October 20, 2022. On consideration whereof, it is now hereby

ORDERED and ADJUDGED by this Court that the judgment of the District Court entered May 20, 2022, be and the same hereby is affirmed. All of the above in accordance with the opinion of this Court.

ATTEST:

s/ Patricia S. Dodszuweit
Clerk

DATED: November 4, 2022

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SANDRA RUMANEK,	:	CIVIL ACTION NO. 1:17-CV-123
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
SHERRY FALLON, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 20th day of May, 2022, upon consideration of the court of appeals' *per curiam* decision issued December 15, 2021, see Rumanek v. Fallon, No. 21-1348, 2021 WL 5917097 (3d Cir. Dec. 15, 2021), and its mandate (Doc. 165) issued January 6, 2022, wherein the court of appeals vacated this court's order enjoining *pro se* plaintiff Sandra Rumanek from filing further frivolous motions on this long-closed docket, and wherein the court of appeals noted that a filing injunction may not issue without notice to the enjoined party, see Rumanek, 2021 WL 5917097, at *2, but also stated that nothing in its order prevents this court from considering whether to reimpose the filing injunction provided Rumanek is given notice and an opportunity to oppose the reimposition, see id. at *3, and further upon consideration of our order (Doc. 169) of April 29, 2022, wherein we noted Rumanek had promptly resumed her campaign of filing frivolous documents with this court, filing a "Motion to join hereto her Del. Dist. Ct. case no. 1:12-cv-759-CCC, Rumanek v. Independent School Management, Inc. and state case Rumanek v. Coons and Theodore, No. N11C-04-108 (Del. Super. Ct. 2011) Claims," (see Doc.

B

167), and “Motion to Consider and Act on Rumanek’s Outstanding Motions DI 108, 153, 154, 155, 158 and Declaration in Support of Summary Judgment,” (see Doc. 168), both of which are procedurally inappropriate and without merit in the post-judgment posture of this case, and the court observing that a filing injunction may issue in cases involving “exigent circumstances, such as a litigant’s continuous abuse of the judicial process by filing meritless and repetitive” motions, see Brow v. Farrelly, 994 F.2d 1027, 1038 (3d Cir. 1993) (citations omitted), but that the court must first issue “notice to the litigant to show cause why the proposed injunctive relief should not issue,” see id. (citations omitted), and that any injunction must be “narrowly tailored to fit the particular circumstances of the case,” see id. (citations omitted), and the court having found that issuance of an injunction against future filings on this docket is appropriate in light of Rumanek’s demonstrated intent to continue her abuse of the judicial process by filing frivolous and procedurally improper motions, (see Doc. 169 at 2; see also Docs. 167, 168), and finding that Rumanek’s response (Doc. 170) to our show-cause order fails to demonstrate that an injunction should not issue and instead simply persists in reiterating Rumanek’s

misunderstandings about the status of this case,¹ and the court thus concluding a filing injunction, limited to this docket, is necessary to put an end to the abuse of the judicial process and the needless burden on the office of our Clerk of Court to

¹ Rumanek's arguments against an injunction appear to be grounded in her misunderstanding of the Federal Rules of Civil Procedure as well as the procedural history of this case. Rumanek contends that her continued filings are animated by her desire—and her belief that she is entitled—to have the court entertain a RICO claim which “grew and evolved” with each of the unauthorized amended pleadings Rumanek filed to the docket, and that we erroneously refused to consider that claim in contravention of our court of appeals' requirement that we grant leave to amend in civil rights cases, unless doing so would be inequitable or futile. (See Doc. 170 at 1-2). Rule 15(a)(1) permits a party to amend its pleading as a matter of right just once; otherwise, a party may amend its pleading only with the opposing party's consent or leave of court. See FED. R. CIV. P. 15(a)(1), (2). In January 2018, the court granted Rumanek's motion for leave to amend, accepted her sixth amended complaint as the operative pleading, and ordered the remaining defendants to respond thereto. While defendants' various Rule 12(b)(6) motions were pending, Rumanek filed proposed seventh and eighth amended complaints; we struck both from the docket as unauthorized. (See Docs. 122, 125). Rumanek thereafter sought leave to file a ninth and later a tenth amended complaint. (See Docs. 130, 135). We issued a comprehensive memorandum opinion on September 17, 2018, wherein we granted defendants' motions and dismissed Rumanek's sixth amended complaint. (See Doc. 139). We also examined Rumanek's proposed tenth amended complaint and concluded that leave to amend to state a RICO claim would be futile. (See Doc. 139 at 36-37). Thus, Rumanek's assertion that the court failed to consider her RICO claim before dismissing the case is meritless. Rumanek's filings since that date, which include motions for leave to file eleventh, twelfth, thirteenth, and fourteenth amended complaints and for summary judgment, are procedurally improper in this closed case; none of them fall within the limited category of appropriate post-judgment motions. (See Doc. 152 at 1). So too for Rumanek's instant request that we “issue judgment on all claims in her favor, or order the defendants to ‘show cause’ why Rumanek should not be issued judgment in her favor on all claims.” (See Doc. 170 at 7). Given Rumanek's insistence on filing frivolous and procedurally improper documents, we conclude a filing injunction is the only way to put an end to Rumanek's abuse of the judicial process.

process the frivolous filings and on defense counsel of record to review them, it is hereby ORDERED that:

1. Rumanek is hereby PROHIBITED from filing any documents to the docket in the above-captioned action with the exception of any notice of appeal from this order.
2. The Clerk of Court shall return to Rumanek any documents submitted for filing under this case caption.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner
United States District Judge
Middle District of Pennsylvania

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 22-2020

SANDRA RUMANEK,
Appellant

v.

SHERRY R. FALLON; DAVID G. CULLEY; TIMOTHY M. HOLLY; MARY I. AKHIMIEN; MATTHEW F. BOYER; NICHOLAS W. WOODFIELD; BERNARD G. CONAWAY; R. SCOTT OSWALD; SANDRA F. CLARK; JOSEPH J. RHOADES; RICHARD R. COOCH; LOUIS J. RIZZO, JR.; CHARLES E. BUTLER; STATE OF DELAWARE; SPILLAN, Delaware State Police Officer Spillan, IBM 770; MATT DENN, Delaware Attorney General; SUSAN JUDGE; PATRICK O'HARE; ANNETTE FURMAN; LISA AMATUCCI; ROBERT CRUIKSHANK

On Appeal from the United States District Court
for the District of Delaware
(D.C. Civil Action No. 1-17-cv-00123)
District Judge: Honorable Christopher C. Conner

SUR PETITION FOR REHEARING

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

The petition for rehearing filed by appellant in the above-entitled case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who

* Judge Scirica's vote is limited to panel rehearing only.

concurrent 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 banc, is DENIED.

BY THE COURT

s/ Kent A. Jordan
Circuit Judge

DATE: December 1, 2022
Tmm/cc: Sandra Rumanek
All Counsel of Record

DLD-012

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **22-2541**

SANDRA RUMANEK, Appellant

VS.

INDEPENDENT SCHOOL MANAGEMENT INC

(D. Del. Civ. No. 1:12-cv-00759)

Present: JORDAN, SHWARTZ, and SCIRICA, Circuit Judges

Submitted are:

- (1) Appellee's motion for summary affirmance;
 - (2) Appellee's motion for attorney's fees and costs; and
 - (3) Appellant's motion for summary reversal
- in the above-captioned case.

Respectfully,

Clerk

ORDER

The District Court's August 12, 2022 order imposing a filing injunction against appellant Sandra Rumanek does not reflect an abuse of discretion. See In re Packer Ave. Assocs., 884 F.2d 745, 746-47 (3d Cir. 1989); cf. Brow v. Farrelly, 994 F.2d 1027, 1038 (3d Cir. 1993). As there is no substantial question presented by this appeal, the motion for summary affirmance filed by appellee Independent School Management (ISM) is granted. See 3d Cir. L.A.R. 27.4 (2011). ISM's

motion for fees and costs under Fed. R. App. P. 38, and Rumanek's motion for summary reversal, are denied. Appellant is cautioned that further meritless appellate filings will result in monetary sanctions.

By the Court,

s/ Kent A. Jordan
Circuit Judge

Dated: November 4, 2022
PDB/cc: Sandra Rumanek
Timothy M. Holly, Esq.

PATRICIA S. DODSZUWEIT

CLERK



OFFICE OF THE CLERK

UNITED STATES COURT OF APPEALS

21400 UNITED STATES COURTHOUSE

601 MARKET STREET

PHILADELPHIA, PA 19106-1790

Website: www.ca3.uscourts.gov

TELEPHONE

215-597-2995

November 4, 2022

Timothy M. Holly
Connolly Gallagher
1201 North Market Street
20th Floor
Wilmington, DE 19801

Ms. Sandra Rumanek
4801 East 5th Street
Apartment K261
Vancouver, WA 98661

RE: Sandra Rumanek v. Independent School Management Inc
Case Number: 22-2541
District Court Case Number: 1-12-cv-00759

ENTRY OF JUDGMENT

Today, **November 04, 2022** the Court issued a case dispositive order in the above-captioned matter which serves as this Court's judgment. Fed. R. App. P. 36.

If you wish to seek review of the Court's decision, you may file a petition for rehearing. The procedures for filing a petition for rehearing are set forth in Fed. R. App. P. 35 and 40, 3rd Cir. LAR 35 and 40, and summarized below.

Time for Filing:

14 days after entry of judgment.

45 days after entry of judgment in a civil case if the United States is a party.

Form Limits:

3900 words if produced by a computer, with a certificate of compliance pursuant to Fed. R. App. P. 32(g).

15 pages if hand or type written.

Attachments:

A copy of the panel's opinion and judgment only.

Certificate of service.

Certificate of compliance if petition is produced by a computer.

No other attachments are permitted without first obtaining leave from the Court.

Unless the petition specifies that the petition seeks only panel rehearing, the petition will be construed as requesting both panel and en banc rehearing. Pursuant to Fed. R. App. P. 35(b)(3), if separate petitions for panel rehearing and rehearing en banc are submitted, they will be treated as a single document and will be subject to the form limits as set forth in Fed. R. App. P. 35(b)(2). If only panel rehearing is sought, the Court's rules do not provide for the subsequent filing of a petition for rehearing en banc in the event that the petition seeking only panel rehearing is denied.

Please consult the Rules of the Supreme Court of the United States regarding the timing and requirements for filing a petition for writ of certiorari.

For the Court,

s/ Patricia S. Dodszuweit,
Clerk

s/ pdb Case Manager

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SANDRA RUMANEK,	:	CIVIL ACTION NO. 1:12-CV-759
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
INDEPENDENT SCHOOL MANAGEMENT, INC.,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 12th day of August, 2022, upon consideration of the court of appeals' *per curiam* decision issued December 15, 2021, see Rumanek v. Indep. Sch. Mgmt. Inc., No. 21-1349, 2021 WL 5917102 (3d Cir. Dec. 15, 2021), and its mandate (Doc. 246) issued January 6, 2022, wherein the court of appeals vacated this court's order enjoining *pro se* plaintiff Sandra Rumanek from filing further frivolous motions on this long-closed docket, and wherein the court of appeals noted that a filing injunction may not issue without notice to the enjoined party, see Rumanek, 2021 WL 5917102, at *2, and further noted that nothing in its order prevents this court from considering whether to reimpose the filing injunction provided Rumanek is given notice and an opportunity to oppose the reimposition, see id. at *3, and further upon consideration of our order (Doc. 248) of August 1, 2022, wherein we noted Rumanek had promptly resumed her campaign of filing frivolous documents with this court, filing an additional motion (Doc. 247) to amend her complaint despite the entry of judgment on January 27, 2014, which is both procedurally improper and without merit in the post-judgment posture of this case.

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and the court observing that a filing injunction may issue in cases involving “exigent circumstances, such as a litigant’s continuous abuse of the judicial process by filing meritless and repetitive” motions, see Brow v. Farrelly, 994 F.2d 1027, 1038 (3d Cir. 1993) (citations omitted), but that the court must first issue “notice to the litigant to show cause why the proposed injunctive relief should not issue,” see id. (citations omitted), and that any injunction must be “narrowly tailored to fit the particular circumstances of the case,” see id. (citations omitted), and the court having found that issuance of an injunction against future filings on this docket is appropriate in light of Rumanek’s demonstrated intent to continue her abuse of the judicial process by filing frivolous and procedurally improper motions, (see Doc. 248 at 2; see also Docs. 233, 235, 238, 240, 241), and finding Rumanek’s response (Doc. 249) to our show-cause order fails to demonstrate an injunction should not issue,¹

¹ Rumanek’s response to our injunction warning makes no attempt to defend her repeated motions to vacate or reconsider court rulings. (See Doc. 249 at 1). She chooses instead to contend that her case is not “closed” because her most recent post-judgment motion to amend her complaint is permitted under Rule 15(b)(2). (See id.) Rule 15(b)(2) allows “the amendment of a complaint to conform to the evidence offered at trial, as long as the parties consent either expressly or impliedly.” See Addie v. Kiaer, 737 F.3d 854, 867 (3d Cir. 2013) (citing FED. R. CIV. P. 15(b)(2)). Rumanek asserts that certain questioning at trial raised information “for the first time” and, therefore, “shows that an issue not raised by the pleadings was ‘tried’ by the plaintiff’s and defendant’s consent.” (See Doc. 249 at 1; Doc. 247-1 ¶ 103). She is mistaken. Defendant Independent School Management, Inc., (“Independent”) did not consent expressly or impliedly to trying any issues beyond the claims enumerated in Rumanek’s then-operative complaint. Nor did Independent consent expressly or impliedly to any post-judgment amendment of Rumanek’s complaint. See Addie, 737 F.3d at 867 (quoting Douglas v. Owens, 50 F.3d 1226, 1236 (3d Cir. 1995)). Rule 15(b)(2) simply does not apply to Rumanek’s circumstances. Judgment has been entered on her complaint. (See Doc. 150). The case is closed. Given Rumanek’s insistence on filing frivolous and procedurally improper documents, we conclude a filing injunction is the only way to put an end to Rumanek’s abuse of the judicial process.

and the court thus concluding a filing injunction, limited to this docket, is necessary to put an end to the abuse of the judicial process and the needless burden on the office of our Clerk of Court to process the frivolous filings and on defense counsel of record to review them, it is hereby ORDERED that:

1. Rumanek is hereby PROHIBITED from filing any documents to the docket in the above-captioned action with the exception of any notice of appeal from this order.
2. The Clerk of Court shall return to Rumanek any documents submitted for filing under this case caption.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner
United States District Judge
Middle District of Pennsylvania

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **22-2541**

SANDRA RUMANEK, Appellant

VS.

INDEPENDENT SCHOOL MANAGEMENT INC

(On Appeal from the United States District Court
for the District of Delaware
(D.C. Civil Action No. 1-12-cv-00759)
District Judge: Honorable Christopher C. Conner

SUR PETITION FOR REHEARING

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

The petition for rehearing filed by appellant in the above-entitled case having been submitted to the judges who participated in the decision of this Court 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 banc, is DENIED.

BY THE COURT

s/ Kent A. Jordan
Circuit Judge

DATE: December 6, 2022
PDB/cc: Sandra Rumanek
Timothy M. Holly, Esq.

* Judge Scirica's vote is limited to panel rehearing only.

DLD-012

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 22-2541

SANDRA RUMANEK, Appellant

VS.

INDEPENDENT SCHOOL MANAGEMENT INC

(D. Del. Civ. No. 1:12-cv-00759)

Present: JORDAN, SHWARTZ, and SCIRICA, Circuit Judges

Submitted are:

- (1) Appellee's motion for summary affirmance;
- (2) Appellee's motion for attorney's fees and costs; and
- (3) Appellant's motion for summary reversal

in the above-captioned case.

Respectfully,

Clerk

ORDER

The District Court's August 12, 2022 order imposing a filing injunction against appellant Sandra Rumanek does not reflect an abuse of discretion. See In re Packer Ave. Assocs., 884 F.2d 745, 746-47 (3d Cir. 1989); cf. Brow v. Farrelly, 994 F.2d 1027, 1038 (3d Cir. 1993). As there is no substantial question presented by this appeal, the motion for summary affirmance filed by appellee Independent School Management (ISM) is granted. See 3d Cir. L.A.R. 27.4 (2011). ISM's

OFFICE OF THE CLERK

PATRICIA S. DODSZUWEIT
CLERK



UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT
21400 UNITED STATES COURTHOUSE
601 MARKET STREET
PHILADELPHIA 19106-1790

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December 14, 2022

John A. Cerino, Clerk
United States District Court
for the District of Delaware
J. Caleb Boggs Federal Building
Lockbox 18
844 King Street
Wilmington, DE 19801

RE: Sandra Rumanek v. Independent School Management Inc
Case Number: 22-2541
District/Agency Case Number: 1-12-cv-00759.

Dear District Court Clerk,
Enclosed herewith is the certified copy of the order in the above-captioned case. The certified order is issued in lieu of a formal mandate and is to be treated in all respects as a mandate.

Counsel are advised of the issuance of the mandate by copy of this letter.

Very truly yours,
Patricia S. Dodszuweit, Clerk

By: s/ Pamela
Case Manager
267-299-4943


cc: Sandra Rumanek
All Counsel of Record

motion for fees and costs under Fed. R. App. P. 38, and Rumanek's motion for summary reversal, are denied. Appellant is cautioned that further meritless appellate filings will result in monetary sanctions.

By the Court,

s/ Kent A. Jordan
Circuit Judge

Dated: November 4, 2022
PDB/cc: Sandra Rumanek
Timothy M. Holly, Esq.

 Certified as a true copy and issued in lieu
of a formal mandate on December 14, 2022

Teste: *Patricia A. Dodge*
Clerk, U.S. Court of Appeals for the Third Circuit

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

Nos. 19-2289 & 19-2290

Rumanek v. Fallon

To: Clerk

- 1) Motion by Sandra Rumanek to Vacate February 11, 2020, and February 26, 2020, Orders and Issue Judgment in Favor of Appellant

No action will be taken on the foregoing motion. If Appellant wishes to seek review of an order of this Court, a petition for writ of certiorari must be filed in the United States Supreme Court. Appellant may contact the United States Supreme Court at: 1 First, N.E., Washington, D.C. 20543.

For the Court,

s/ Patricia S. Dodszuweit
Clerk

Dated: January 6, 2023

cc: Sandra Rumanek
Laura S. Irwin, Esq.
Bernard G. Conaway, Esq.
Arthur D. Kuhl, Esq.
Loren R. Barron, Esq.
Louis J. Rizzo, Jr., Esq.
Joseph C. Handlon, Esq.
Laura D. Hatcher, Esq.
Kimberly A. Boyer-Cohen, Esq.
John D. Balaguer, Esq.
Herbert W. Mondros, Esq.

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