

APPENDIX A - District Court Order (E.D. Ky., No.
5:25-cv-417-REW, Nov. 17, 2024)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
LEXINGTON

BRANDY CORNETT,

Plaintiff,

v.

DAVID BALDWIN,

Defendant.

No. 5:24-CV-417-REW

ORDER

*** **

Plaintiff Brandy Cornett is a resident of Lexington, Kentucky. *See* DE 1 (Complaint) at 1-2. Cornett has filed a *pro se* civil complaint against defendant David Baldwin, the Chair of the Sumter County Board of Commissioners ("SCBC") in Sumter County, Georgia, in his official capacity. *See id.* at 1. She has also filed a motion to proceed *in forma pauperis*. *See* DE 2 (Motion). The fee motion indicates that Cornett lacks sufficient assets or income to pay the \$405.00 filing fee. *See id.*

The Court reviews Cornett's complaint before addressing her fee motion. The pleading is difficult to follow, as it contains extraneous details and the timeline of events is unclear. As best the Court can tell, Cornett alleges that in late August 2025, one of her minor children advised that her paternal grandmother had repeatedly abused her physically, apparently during one or more of her semi-monthly visits to the grandparent's home in Sumter County, Georgia. *See* DE 1 at 3, 6. Cornett called 911 and filed a report with the Sumter County Sheriff's Office. *See id.*

Cornett alleges that as a result of retaliation from an unspecified source, the child's father was "removed from his work schedule" and the grandmother sent her harassing messages. *See id.* at 4. Cornett filed reports regarding the matter with the Georgia Bureau of Investigation, the

Georgia Division of Family and Children Services ("DFCS"), and the United States Department of Justice. *See id.* Cornett complains that the police report generated by her 911 call to police is inaccurate; that police have failed to promptly act on the claim of reported abuse; and that an interview was scheduled regarding the matter but provided her with insufficient advance notice to allow her to travel to Georgia to attend. *See id.* at 4. Cornett indicates that she filed a request with unidentified officials in Sumter County seeking an emergency protective order. *See* DE 1 at 5. Cornett states that she filed a document with DFCS "discontinuing" their services, which apparently advised them that she had relocated to Kentucky. *See id.* Cornett complains that DCFS still has an active file on the matter which, she contends, has made it impossible for her to obtain medical benefits through Medicaid. *See id.* At no point in her recitation of the facts does Cornett mention defendants Baldwin or SCBC, nor does she clearly articulate the claims asserted against them.

For relief, Cornett requests that the Court transfer "this matter" – an apparent reference to earlier federal cases she has previously filed on the subject – to this District for decision. *See* DE 1 at 7-10 ("Plaintiff respectfully moves this Court to assume jurisdiction, re-establish venue in the Eastern District of Kentucky, and proceed with immediate scheduling ..."). She also requests mediation ordered and supervised by the Court on specified terms, *see id.* at 10-12, as well as Court-ordered damages exceeding \$133 million pursuant to Section 1983, Title II of the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act. *See* DE 1 at 12; DE 1-1 at 1-2. Cornett also seeks declaratory relief and a referral to the United States Department of Justice for the investigation of possible criminal charges. *See* DE 1 at 13-14.

Cornett's complaint references several recent lawsuits she has filed regarding the same core of operative facts. *See* DE 1 at 7-8. In the first case, on September 5, 2025, Cornett filed an

action in the United States District Court for the Middle District of Georgia seeking injunctive relief arising out of this series of events and demanding enforcement of a purported \$12 million settlement agreement with Sumter County. *See Cornett v. John and/or Jane Does*, No. 1:25-CV-126-LAG (M.D. Ga. 2025).¹ Post-filing, no further action has been taken in that case, either by Cornett or the Court.

Two weeks later Cornett filed a second civil action, this one in Kentucky, based upon the same events. *See Cornett v. Sumter County Sheriff's Office*, No. 5:25-CV-333-DCR (E.D. Ky. 2025) (*Cornett I*). The action was dismissed without prejudice on the following day because Cornett left the complaint form itself almost entirely blank and did not assert discernible claims. *See* DE 7 (Order) therein. In its Order, the Court also noted that:

Cornett appears to be trying to transfer an ongoing civil case—*Cornett v. Sumter County, et al.*, No. 1:25-cv-126-LAG (M.D. Ga. 2025)—from the United States District Court for the Middle District of Georgia to this Court. [Record Nos. 3, 4] However, the proper way to affect (*sic*) such a transfer is to file a motion directly with the federal court in Georgia ...

See id. at 2.

Three days later Cornett filed a third civil action, again in this Court, regarding these events. *See Cornett v. Sumter County Sheriff's Office*, No. 5:25-CV-391-DCR (E.D. Ky. 2025) (*Cornett II*), DE 1 (Complaint) therein. Cornett named various state and local agencies as defendants, DFCS and SCBC among them. *See id.* at 1-2. Noting that venue was not proper in this District, on October 23, 2025, the Court transferred that action to the United States District Court for the Middle District of Georgia. *See* DE 5 (Order) therein. The transferred case has been docketed as *Cornett v. Sumter County Sheriff's Office*, No. 1:25-CV-151-LAG (M.D. Ga. 2025). Again, neither Cornett nor the Court have taken any action in that case.

¹ Notably, in that action Cornett filed a "Settlement Demand Package" in which she affirmatively asserted that "Venue is proper in Sumter County under both federal and state law." *See* DE 3-3 therein at 19.

Cornett filed this action, her fourth overall and the third in this Court, two weeks later. She states in her Complaint that "[t]he initial events and violations giving rise to this complaint occurred in Sumter County, Georgia, involving Georgia-based agencies and officials. Subsequent related actions, retaliation, and ongoing harm occurred while the Plaintiff was residing in Kentucky after September 4, 2025." See DE 1 at 6. But the actions about which she complains occurred entirely in Georgia, and all of the defendants reside there. The Court has previously explained to Cornett that under such circumstances "this [Court] is the incorrect venue to resolve her allegations." *Cornett II* at DE 5 (Order) therein at 1 (citing 28 U.S.C. § 1391(b)). And the Court has also already explained to Cornett that she must file any request to transfer a case already pending in the Georgia federal district court in that Court, not this one. *Cornett I* at DE 7 (Order) at 2; see also 28 U.S.C. §§ 1404(a), 1406(a).

Cornett's filing of this third action in this Court evidences her willful disregard of the Court's prior Orders. The Court will therefore deny her motion to proceed *in forma pauperis* in this latest case. Leave to proceed *in forma pauperis* is a privilege, not a right. And it is to be granted only where the court, in its discretion, is persuaded that a meritorious cause of action is stated. *Yates v. Wellman*, 373 F.Supp. 437, 438 (E.D. Ky. 1974) (Hermansdorfer, J.); *Wagner v. Holmes*, 361 F.Supp. 895, 897 (E.D. Ky. 1973) (Swinford, J.). If a *pro se* plaintiff files a complaint that appears to have "some, albeit doubtful, merit" then *pauper* status should generally be granted. *Id.* at 439.

Independent of substance, however, procedural matters or prudential considerations may warrant denial of *pauper* status. The Court may require full payment of the filing fee if it concludes that a case is substantively frivolous or has been filed for an improper or malicious purpose. *Cf. Levy v. Burger King, Inc.*, No. 13-20763-CIV, 2013 WL 12383415, at *1 (S.D. Fla. Apr. 8, 2013).

report and recommendation adopted, No. 13-20763-CV, 2013 WL 12383414 (S.D. Fla. Apr. 26, 2013) ("Notwithstanding proof of the inability to pay, to prevent abusive litigation, if the action is frivolous or malicious, the Court may deny a motion for leave to proceed *in forma pauperis*.")) (citing *In re Eileen Fey*, 117 S. Ct. 1294 (1997) (*per curiam*)); *Green v. Wilson*, 517 F. Supp. 332, 333 (E.D. Ky. 1981) (Reed, J.) (holding that a Court may deny a motion to proceed *in forma pauperis* "where it appears that the contemplated action is frivolous or malicious."); see also *Neitzke v. Williams*, 109 S. Ct. 1827, 1831 (1989) (noting that in enacting 28 U.S.C. § 1915, "Congress recognized, however, that a litigant whose filing fees and court costs are assumed by the public, unlike a paying litigant, lacks an economic incentive to refrain from filing frivolous, malicious, or repetitive lawsuits.").

One kind of plainly improper purpose is filing a lawsuit duplicative of another case that has already been decided or which remains pending. See *Jones v. Warden of Stateville Correctional Center*, 918 F.Supp. 1142, 1147 (N.D. Ill. 1995) ("... the court knows of no reason why Jones should be allowed to proceed on one claim in two cases. Interests in 'wise judicial administration' permit dismissal of a federal suit that parallels another action pending in federal court.") (citing *Serlin v. Arthur Andersen & Co.*, 3 F.3d 221, 223 (7th Cir. 1993) (discussing the "first-to-file" rule under *Colorado River Water Conservation Dist. v. United States*, 96 S. Ct. 1236, 1246-47 (1976))).² The filing of the second or successive suit may be deemed malicious. *Clay v. Yates*, 809 F.Supp. 417, 427-28 (E.D. Va. 1992) (when deciding whether a complaint qualifies as a "malicious" filing, "it is appropriate to consider what the court's records show about the number and kinds of cases instituted by the *pro se* litigant, and the extent to which the conduct of that

² Under the "first-to-file" principle, "... when actions involving nearly identical parties and issues have been filed in two different district courts, the court in which the first suit was filed should generally proceed to judgment." *Baatz v. Columbia Gas Transmission, LLC*, 814 F.3d 785, 789 (6th Cir. 2016) (cleaned up).

litigant constitutes an abuse of the judicial process.") (collecting cases), *aff'd*, 36 F.3d 1091 (4th Cir. 1993); *Green*, 517 F. Supp. at 334 ("a history of repetitious suits can indicate that a proposed action is malicious.").³

In the present matter, there are already two civil cases filed by Cornett and pending in Georgia regarding her claims. The Court sees no reason to grant *pauper* status only to transfer to a third case to the Georgia court. The Court has previously explained to Cornett that venue is plainly not proper in this District and that she must file any (likely unsuccessful) motion to transfer venue of the Georgia cases in that Court. By filing yet another complaint in this Court, Cornett disregards and seeks to circumvent those determinations. Such action warrants the denial of *pauper* status and, if persistent, may justify the imposition of sanctions. See *Free v. United States*, 879 F.2d 1535, 1536 (7th Cir. 1989) (holding that filing a lawsuit for an evidently improper purpose "is an abuse of the judicial process in the classic sense of using the courts to pursue ends other than the vindication of claims believed to be meritorious. Abusers of the judicial process are not entitled to sue and appeal without paying the normal filing fees—indeed, are not entitled to sue and appeal, period. Abuses of process are not merely not to be subsidized; they are to be sanctioned."). The Court will therefore deny Cornett's motion to proceed *in forma pauperis* and order payment of the full filing fee.

³ The Court in *Green* denied *pauper* status, noting that:

... petitioner is a notorious litigant who has left a trail of cases from the sandy shores of the Atlantic to the snow-capped mountains of the Great Rockies, from the chilly climate of Minnesota to the warm, blistering heat of Texas. ... Perhaps it stands to reason that petitioner would sooner or later invade the blue grass of the great Commonwealth of Kentucky. It is incomprehensible, though, why it is sooner rather than later since petitioner has never been an inmate in any prison, federal or state, in this Commonwealth. In any event, given his colorful history, petitioner's run in this Court shall be swifter than those of many thoroughbreds that have made the Run for the Roses under the twin spires of Churchill Downs.

Id. at 334.

Within days after she filed her complaint, Cornett also filed a pair of motions. In the first, she asserts that a pair of federal statutes authorize a Chief Judge of a federal district court to "supervise" a case to "correct systemic failures in district administration." See DE 5 (Emergency Motion for Chief-Judge Oversight and Immediate Review) at 3. They do not. The first referenced statute⁴ merely indicates that cases filed in federal court are assigned to judges within that district pursuant to general orders issued by the Chief Judge. The second statute⁵ directs periodic meetings by and between the Chief Judges of the federal circuit courts of appeal. Neither permits the undefined "oversight" and "supervision" requested by Cornett. The motion will be denied.

Cornett has also filed a motion demanding that the Court hold a hearing on her case and requests for relief within 24 hours after motion filing, and then to require the defendant to pay to her the \$133 million dollars in damages to which she claims entitlement within 48 hours thereafter. See DE 6 (Emergency Motion to Compel Immediate Action and Expeditious Relief) at 1-2. As grounds for that request Cornett presents a laundry list of federal statutes and rules. See *id.* at 2. But for two exceptions, the referenced authorities provide only a substantive basis for liability; they do not compel adherence to any particular time frame within which a remedy must be afforded. One statute, 28 U.S.C. § 1657(a), directs district courts to afford a general precedence to habeas corpus matters (which this is not), motions seeking injunctive relief (which Cornett has not filed), or matters where good cause has shown. Here, the primary remedy Cornett demands is monetary compensation. See DE 1 at 9-14. Particularly in light of the matters discussed above,

⁴ See 28 U.S.C. § 137(a) ("The business of a court having more than one judge shall be divided among the judges as provided by the rules and orders of the court. The chief judge of the district court shall be responsible for the observance of such rules and orders, and shall divide the business and assign the cases so far as such rules and orders do not otherwise prescribe.").

⁵ See 28 U.S.C. § 332(a).

the Court finds that no good cause justifies advancing this case at the expense of other litigants who, like Cornett, seek a remedy in this forum.

Accordingly, the Court ORDERS as follows:

1. The Court DENIES Cornett's DE 2 motion to proceed *in forma pauperis*.
2. Cornett SHALL pay the \$405.00 filing fee within twenty-eight days. The Court will dismiss the case without prejudice for failure to prosecute if she fails to do so.
3. The Court DENIES Cornett's DE 5 Emergency Motion for Chief-Judge Oversight and Immediate Review.
4. The Court DENIES Cornett's DE 6 Emergency Motion to Compel Immediate Action and Expeditious Relief.

This the 26th day of November, 2025.



Signed By:

Robert E. Wier *REW*
United States District Judge

APPENDIX B - Sixth Circuit Entry, No. 25-6054

NOT RECOMMENDED FOR PUBLICATION

No. 25-6054

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED

Dec 8, 2025

KELLY L. STEPHENS, Clerk

BRANDY CORNETT,

Plaintiff-Appellant,

v.

DAVID BALDWIN, Chair of the Sumter County
Board of Commissioners, in his official capacity,

Defendant-Appellee.

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) ON APPEAL FROM THE UNITED
) STATES DISTRICT COURT FOR
) THE EASTERN DISTRICT OF
) KENTUCKY
)

ORDER

Before: MOORE, COLE, and HERMANDORFER, Circuit Judges.

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

Brandy Cornett filed a civil action on November 7, 2025. On November 10 and 12, she filed emergency motions asking for immediate review and relief. On November 17, she filed a notice of appeal, challenging the district court's failure to act on her pleadings.

Generally, our appellate jurisdiction extends only to final decisions of the district court, 28 U.S.C. § 1291, and certain categories of interlocutory orders, 28 U.S.C. § 1292. No final order or appealable interlocutory decision had been issued by the district court in this case prior to the November 17 notice of appeal. Accordingly, there is nothing to review on appeal.

The appeal is **DISMISSED** for lack of jurisdiction.

ENTERED BY ORDER OF THE COURT


Kelly L. Stephens, Clerk

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