

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Aug 12, 2026
KELLY L. STEPHENS, Clerk

No. 25-2079

HUGH MAC LANE, JR.,

Plaintiff-Appellant,

v.

VILLAGE OF CASSOPOLIS, MI; ADAM JASON
DAHLGREN, building inspector,

Defendants-Appellees.

Before: McKEAGUE, THAPAR, and MURPHY, Circuit Judges.

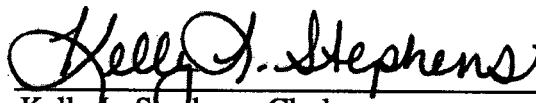
JUDGMENT

On Appeal from the United States District Court
for the Western District of Michigan at Grand Rapids.

THIS CAUSE was heard on the record from the district court and was submitted on the
briefs without oral argument.

IN CONSIDERATION THEREOF, it is ORDERED that the judgment of the district court
is AFFIRMED.

ENTERED BY ORDER OF THE COURT


Kelly L. Stephens, Clerk

NOT RECOMMENDED FOR PUBLICATION

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) STATES DISTRICT COURT FOR
) THE WESTERN DISTRICT OF
) MICHIGAN
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ORDER

Before: McKEAGUE, THAPAR, and MURPHY, Circuit Judges.

Hugh Mac Lane, Jr., a pro se litigant, appeals the district court's judgment dismissing his civil suit for lack of jurisdiction. This case has 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 following reasons, we affirm.

Lane sued the Village of Cassopolis and its building inspector Adam Dahlgren in state court, challenging a demolition order. The state trial court dismissed Lane's complaint. The Michigan Court of Appeals dismissed his appeal as untimely and denied reconsideration. Lane alleges that the Village demolished his property while his appeal remained pending.

Lane filed this lawsuit to "[r]einststate" his state court appeal. The Village and Dahlgren moved to dismiss, *see* Fed. R. Civ. P. 12(b)(1), (6), and a magistrate judge recommended granting the motion and dismissing for lack of subject-matter jurisdiction. Over Lane's objections, the district court adopted the magistrate judge's recommendation and dismissed the case. Lane now appeals.

We review de novo the dismissal of a complaint for lack of subject-matter jurisdiction. *Skatmore, Inc. v. Whitmer*, 40 F.4th 727, 731 (6th Cir. 2022). For the district court to have

No. 25-2079

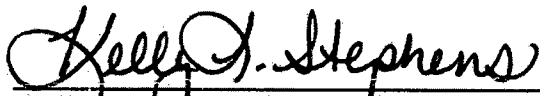
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subject-matter jurisdiction, Lane must show either diversity or federal-question jurisdiction. *See Hale v. Morgan Stanley Smith Barney LLC*, 982 F.3d 996, 997 (6th Cir. 2020). He did not. His complaint does not allege or establish complete diversity. *See id.* Lane marked the box for federal-question jurisdiction on the complaint's cover sheet. But his complaint cites only an Internal Revenue Code provision relating to the timely mailing of tax returns and related documents, 26 U.S.C. § 7502, and that does not show that federal law creates his cause of action, *see Mikulski v. Centerior Energy Corp.*, 501 F.3d 555, 563 (6th Cir. 2007). Lane now argues that the defendants violated his due-process rights. But his complaint, even liberally construed, alleges no due-process claim. And to the extent Lane seeks only a merits review of the state court's judgment, we would lack jurisdiction. *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 284 (2005).

Finally, the defendants ask us to sanction Lane. We have discretion to impose sanctions if we determine that an appeal is frivolous. *See Fed. R. App. P. 38.* But Rule 38 only allows sanctions "after a separately filed motion or notice from the court and reasonable opportunity to respond." *Id.* Because the defendants did not file a separate motion for sanctions, we decline to award sanctions against Lane.

For these reasons, we **AFFIRM** the district court's judgment.

ENTERED BY ORDER OF THE COURT


Kelly L. Stephens, Clerk

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HUGH MAC LANE,

Plaintiff,

CASE No. 1:25-CV-646

v.

HON. ROBERT J. JONKER

VILLAGE OF CASSOPOLIS and
ADAM JASON DAHLGREN,

Defendants.

**ORDER APPROVING AND ADOPTING
REPORT AND RECOMMENDATION**

The Court has reviewed Magistrate Judge Green's Report and Recommendation (ECF No. 11) and Plaintiff's Objection to the Report and Recommendation (ECF No. 12). Under the Federal Rules of Civil Procedure, where, as here, a party has objected to portions of a Report and Recommendation, "[t]he district judge . . . has a duty to reject the magistrate judge's recommendation unless, on de novo reconsideration, he or she finds it justified." 12 WRIGHT, MILLER, & MARCUS, FEDERAL PRACTICE AND PROCEDURE § 3070.2, at 381 (2d ed. 1997). Specifically, the Rules provide that:

The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.

FED R. CIV. P. 72(b)(3). De novo review in these circumstances requires at least a review of the evidence before the Magistrate Judge. *Hill v. Duriron Co.*, 656 F.2d 1208, 1215 (6th Cir. 1981). The Court has reviewed de novo the claims and evidence presented to the Magistrate Judge; the

Report and Recommendation itself; and Plaintiff's objections. After its review, the Court finds the Magistrate Judge's Report and Recommendation is factually sound and legally correct.

The Magistrate Judge recommends granting Defendants' Motion to Dismiss (ECF No. 6) because Plaintiff's complaint fails to demonstrate that this Court has subject matter jurisdiction over his claims. (ECFR No. 11, PageID.68-69). Plaintiff Lane's objections fail to deal in a meaningful way with the Magistrate Judge's analysis and the rules regarding diversity jurisdiction and federal question jurisdiction. The Magistrate Judge carefully and thoroughly considered the record, the parties' arguments, and the governing law. The Magistrate Judge properly analyzed Plaintiff's claims. Nothing in Plaintiff's Objections changes the fundamental analysis.

ACCORDINGLY, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (ECF No. 11) is **APPROVED AND ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss (ECF No. 6) is **GRANTED**.

Dated: November 7, 2025

/s/ Robert J. Jonker
ROBERT J. JONKER
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HUGH MAC LANE,

Plaintiff,

Hon. Robert J. Jonker

v.

Case No. 1:25-cv-646

VILLAGE OF CASSOPOLIS, et al.,

Defendants.

REPORT AND RECOMMENDATION

This matter is before the Court on Defendants' Motion to Dismiss (ECF No. 6) and Defendants' Motion for Sanctions (ECF No. 8). Pursuant to 28 U.S.C. § 636(b)(1)(B), the undersigned recommends that Defendants' Motion for Sanctions (ECF No. 8) be denied, Defendants' Motion to Dismiss (ECF No. 6) be granted, and this matter terminated.

BACKGROUND

Plaintiff initiated this action against the Village of Cassopolis and Building Inspector Adam Dahlgren. (ECF No. 1). While Plaintiff's complaint is thin on specifics, this much is clear. At some point, the Village of Cassopolis undertook to condemn and/or demolish certain property Plaintiff owned. Plaintiff challenged the Village's actions in state court, suing the same two Defendants named herein.

Defendants secured dismissal of Plaintiff's action in the trial court. Plaintiff's subsequent appeal to the Michigan Court of Appeals was dismissed as untimely asserted.

Plaintiff initiated the present action requesting that this Court "reinstate" his state court appeal on the ground that he timely pursued such. Defendants now move to dismiss Plaintiff's complaint on the ground that this Court lacks subject matter jurisdiction to provide the relief Plaintiff seeks. Plaintiff has responded to Defendants' motion. The Court finds that oral argument is unnecessary. *See* W.D. MICH. LCivR 7.2(d).

ANALYSIS

I. Motion to Dismiss

A fundamental question presented by every action in federal court is whether the court has jurisdiction to hear that case. *See Bender v. Williamsport Area Sch. Dist.*, 475 U.S. 534, 541 (1986). The jurisdiction of the federal district courts is limited only to matters expressly authorized by the Constitution or other federal law. *See Kokkonen v. Guardian Life Ins. Co. of America*, 511 U.S. 375, 377 (1994). It is presumed that "a claim lies outside of this limited jurisdiction, and the burden of establishing the contrary rests upon the party asserting jurisdiction." *Id.* Defendants move to dismiss Plaintiff's complaint pursuant to Federal Rule of Civil Procedure 12(b)(1). To survive a Rule 12(b)(1) challenge, Plaintiff must establish that the Court has subject matter jurisdiction over his claims. *See, e.g., Global Technology, Inc. v. Yubei (XinXiang) Power Steering System Co., Ltd.*, 807 F.3d 806, 810 (6th Cir. 2015).

To sufficiently allege jurisdiction, Plaintiff's complaint must contain "facts which, if true, establish that the district court ha[s] jurisdiction over the dispute." *Carrier Corp. v. Outkumpu Oyj*, 673 F.3d 430, 440 (6th Cir.2012). Because Defendants are challenging the sufficiency of Plaintiff's allegations, rather than the accuracy of such, the allegations in Plaintiff's complaint "must be taken as true" and assessed to determine whether such demonstrate that jurisdiction is proper in this Court. *See Carrier Corp.*, 673 F.3d at 440 (distinguishing between facial and factual challenges to a court's subject matter jurisdiction).

A. Diversity Jurisdiction

Subject matter jurisdiction may be based on diversity of citizenship. As this action does not involve citizens or subjects of a foreign state, diversity is established only if the parties are "citizens of different states" and the amount in controversy is greater than \$75,000. 28 U.S.C. § 1332. Plaintiff's complaint does not allege any amount in controversy. Plaintiff likewise fails to allege or identify the citizenship of any of the defendants. The undersigned concludes, therefore, that the Court cannot exercise diversity jurisdiction over Plaintiff's claims.

B. Federal Question Jurisdiction

The Court may also hear this matter if Plaintiff has alleged a federal question. *See* 28 U.S.C. § 1331 ("[t]he district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States."). Under § 1331, federal courts have jurisdiction where a well-pleaded complaint shows that

“federal law creates the cause of action” or in situations where the “plaintiff’s right to relief necessarily depends on resolution of a substantial question of federal law.” *Franchise Tax Board v. Construction Laborers Vacation Trust*, 473 U.S. 1, 27–28 (1983).

Plaintiff initiated this action seeking to reinstate an appeal that was dismissed as untimely by the Michigan Court of Appeals. As the Supreme Court has long recognized, however, the jurisdiction of the federal district courts is “strictly original” and, therefore, only the United States Supreme Court can “entertain a proceeding to reverse or modify” decisions rendered by a state court. *Rooker v. Fidelity Trust Co.*, 263 U.S. 413, 415-16 (1923); *see also*, *Durham v. Haslam*, 528 Fed. Appx. 559, 562-63 (6th Cir., June 13, 2013) (“federal appellate jurisdiction over a state court decision lies exclusively with the Supreme Court, and not lower federal courts”). Likewise, “federal courts have no authority to issue writs of mandamus to direct state courts of their judicial officers in the performance of their duties.” *Seyka v. Corrigan*, 46 Fed. Appx. 260, 261 (6th Cir., Aug. 27, 2002).

Because Plaintiff’s complaint fails to demonstrate that federal law creates his cause of action or that this Court possesses the authority to afford the relief sought, the undersigned finds this Court cannot exercise federal question jurisdiction in this matter.

II. Motion for Sanctions

Alleging that Plaintiff initiated this action for improper purpose, specifically to harass Defendants and cause them to suffer increased litigation costs, Defendants move the Court to impose sanctions on Plaintiff under Federal Rule of Civil Procedure 11.

Rule 11 provides, in relevant part, that “[b]y presenting to the court a pleading, written motion, or other paper. . .an attorney or unrepresented party certifies that to the best of the person’s knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

- (1) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;
- (2) the claims, defenses, and other legal contentions are warranted by existing law or by non-frivolous argument for extending, modifying, or reversing existing law or for establishing new law; and
- (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery.

Fed. R. Civ. P. 11(b).

The test for whether sanctions are appropriate is “whether the individual’s conduct was reasonable under the circumstances.” *Katz v. Rabkin*, 213 Fed. Appx. 387, 389 (6th Cir., Jan. 9, 2007). Moreover, while a party’s status as a pro se litigant does not constitute “an impenetrable shield” from the imposition of sanctions, the Rule 11 standard nevertheless “takes into account the special circumstances that often arise in pro se situations.” *In re Polyurethane Foam Antitrust Litigation*, 165 F.Supp.3d 664, 666 (N.D. Ohio, 2015).

While Defendants’ frustration is understandable, the Court is not persuaded that sanctions are warranted. While Plaintiff’s complaint is without merit, that fact alone is insufficient to merit sanctions. *See, e.g., Krasner Loan Co., Inc. v. Ferraris*, 2025 WL 1373735 at *2 (W.D. Tenn., Mar. 21, 2025) (sanctions are not warranted merely because

a complaint is subject to dismissal). Moreover, the Court notes that, while Plaintiff's complaint very much misses the mark, the general subject matter of his complaint, challenging adverse governmental action taken against private property, is not necessarily frivolous.

In sum, the Court constantly strives to balance two competing goals, the obligation to function as a reasonably open forum where parties can bring claims for relief balanced against the need to disincentivize parties from unfairly monopolizing the Court's and/or other party's limited time and resources. At this juncture, the undersigned finds that this balance weighs against imposing sanctions against Plaintiff. But, should Plaintiff persist in pursuing meritless litigation which unfairly taxes this Court's and/or Defendants' limited time and resources, such will likely warrant a different result.

CONCLUSION

For the reasons discussed herein, the undersigned recommends that Defendants' Motion for Sanctions (ECF No. 8) be denied, Defendants' Motion to Dismiss (ECF No. 6) be granted, and this matter terminated. For the same reasons the undersigned makes these recommendations, the undersigned finds that an appeal of such would be frivolous. *Coppedge v. United States*, 369 U.S. 438, 445 (1962). Accordingly, the undersigned further recommends that an appeal of this matter by Plaintiff would not be in good faith.

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within fourteen days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court's order. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir.1981).

Respectfully submitted,

Date: October 14, 2025

/s/ Phillip J. Green
PHILLIP J. GREEN
United States Magistrate Judge

LII > Electronic Code of Federal Regulations (e-CFR)

> Title 27—Alcohol, Tobacco Products and Firearms

> CHAPTER I—ALCOHOL AND TOBACCO TAX AND TRADE BUREAU, DEPARTMENT OF THE TREASURY

> SUBCHAPTER F—PROCEDURES AND PRACTICES

> PART 70—PROCEDURE AND ADMINISTRATION

> Subpart D—Collection of Excise and Special (Occupational) Tax

> Miscellaneous Provisions > **§ 70.305 Timely mailing treated as timely filing.**

27 CFR § 70.305 - Timely mailing treated as timely filing.

CFR

§ 70.305 Timely mailing treated as timely filing.

(a) General rule. Title 26 U.S.C. 7502 provides that, if the requirements of such section are met, a document shall be deemed to be filed on the date of the postmark stamped on the cover in which such document was mailed. Thus, if the cover containing such document bears a timely postmark, the document will be considered filed timely although it is received after the last date, or the last day of the period, prescribed for filing such document. Title 26 U.S.C. 7502 is applicable only to those documents which come within the definition of such term provided by paragraph (b) of this section and only if the document is mailed in accordance with paragraph (c) of this section and is delivered in accordance with paragraph (d) of this section.

(b) Document defined. The term *document*, as used in this section, means any return, claim, statement, or other document required to be filed within a prescribed period or on or before a prescribed date under authority of any provisions of 26 U.S.C. enforced

and administered by the Bureau.

(c) Mailing requirements.

(1) Title 26 U.S.C. 7502 is not applicable unless the document is mailed in accordance with the following requirements:

(i) The document must be contained in an envelope or other appropriate wrapper, properly addressed to the agency, officer, or office with which the document is required to be filed.

(ii) The document must be deposited within the prescribed time in the mail in the United States with sufficient postage prepaid. For this purpose, a document is deposited in the mail in the United States when it is deposited with the domestic mail service of the U.S. Postal Service, as defined by the postal regulations (39 CFR Part 2). Title 26 U.S.C. 7502 does not apply to any document which is deposited with the mail service of any other country.

(iii)

(A) If the postmark on the envelope or wrapper is made by the U.S. Postal Service, such postmark must bear a date on or before the last date, or the last day of the period, prescribed for filing the document. If the postmark does not bear a date on or before the last date, or the last day of the period, prescribed for filing the document, the document will be considered not to be filed timely, regardless of when the document is deposited in the mail. Accordingly, the sender who relies upon the applicability of 26 U.S.C. 7502 assumes the risk that the postmark will bear a date on or before the last date, or the last day of the period, prescribed for filing the document, but see paragraph (c)(2) of this section, with respect to the use of registered mail or certified mail to avoid this risk. If the postmark on the envelope or wrapper is not legible, the person who is required to file the document has the burden of proving the time when the postmark was made. Furthermore, in case the cover containing a document bearing a timely postmark made by the U.S. Postal Service is received after the time when a document postmarked and mailed at such time would ordinarily be received, the sender may be required to prove that it was timely mailed.

(B) If the postmark on the envelope or wrapper is made other than by the U.S. Postal Service, the postmark so made must bear a date on or before the last date, or the last day of the period, prescribed for filing the document, and the document must be received by the agency, officer, or office with which it is required to be filed not later than the time when a document contained in an envelope or other appropriate wrapper which is properly addressed and mailed and sent by the same class of mail would ordinarily be received if it were

postmarked at the same point of origin by the U.S. Postal Service on the last date, or the last day of the period, prescribed for filing the document. However, in case the document is received after the time when a document so mailed and so postmarked by the U.S. Postal Service would ordinarily be received, such document will be treated as having been received at the time when a document so mailed and so postmarked would ordinarily be received, if the person who is required to file the document establishes that it was actually deposited in the mail before the last collection of the mail from the place of deposit which was postmarked (except for the metered mail) by the U.S. Postal Service on or before the last date, or the last day of the period, prescribed for filing the document, that the delay in receiving the document was due to a delay in the transmission of the mail, and the cause of such delay. If the envelope has a postmark made by the U.S. Postal Service in addition to the postmark not so made, the postmark which was not made by the U.S. Postal Service shall be disregarded, and whether the envelope was mailed in accordance with this section shall be determined solely by applying the rules of paragraph (c)(1)(iii)(A) of this section.

(2) If the document is sent by U.S. registered mail, the date of registration of the document shall be treated as the postmark date. If the document is sent by U.S. certified mail and the sender's receipt is postmarked by the postal employee to whom such document is presented, the date of the U.S. postmark on such receipt shall be treated as the postmark date of the document. Accordingly, the risk that the document will not be postmarked on the day that it is deposited in the mail may be overcome by the use of registered mail or certified mail.

(3) As used in this section, the term "the last date, or the last day of the period, prescribed for filing the document" includes any extension of time granted for such filing. Except as provided in 26 U.S.C. 5061 for the filing of returns and payment of a tax under 26 U.S.C. subtitle E, when the last date, or the last day of the period, prescribed for filing the document falls on a Saturday, Sunday, or legal holiday, 26 U.S.C. 7503 is also applicable, so that, in applying the rules of this paragraph, the next succeeding day which is not a Saturday, Sunday, or legal holiday, shall be treated as the last date, or the last day of the period, prescribed for filing the document.

(d) *Delivery.*

(1) Title 26 U.S.C. 7502 is not applicable unless the document is delivered by U.S. mail to the agency, officer, or office with which it is required to be filed. However, if the document is sent by registered mail or certified mail, proof that the document was properly registered or that a postmarked certified mail sender's receipt was

properly issued therefor, and that the envelope or wrapper was properly addressed to such agency, officer or office shall constitute prima facie evidence that the document was delivered to such agency, officer or office.

(2) Title 26 U.S.C. 7502 is applicable only when the document is delivered after the last date, or the last day of the period, prescribed for filing the document.

(e) **Exceptions.** This section shall not apply with respect to:

(1) The filing of a document in, or the making of a payment to, any court,

(2) Currency or other medium of payment unless actually received and accounted for, or

(3) Returns, claims, statements, or other documents, or payments, which are required under any provision of 26 U.S.C. enforced and administered by the Bureau or the regulations thereunder to be delivered by any method other than by mailing.

(26 U.S.C. 5061 and 7503)



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