

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

In re: DARREL KALLEMBACH,

Plaintiff.

MEMORANDUM

10-cv-307-bbc

In an order dated July 1, 2010, I remanded to state court the state ordinance violation cases plaintiff sought to remove in this action. In addition, I noted that plaintiff had repeatedly filed barely intelligible, frivolous attempts at removal in this court and sanctioned him by directing the clerk of court to not docket any similar new filings unless, after reviewing any such filing, I determined that it did not suffer from the same problems as plaintiff's other numerous filings.

Plaintiff has responded to the July 1 order by returning his copy of the order with the following statement written over the language of the opinion: "Return Electronic Signature does NOT meet all requirements s. 137.06 (a), (b), (c), (d) WI STATUTES through the matching principals altered signature." I take this to mean that plaintiff challenges the validity of the July 1 order because it contains my electronic signature, represented by the notation "/s/." Plaintiff's theory is incorrect. This federal court is not bound by Wisconsin statutes governing the electronic authentication of documents. (In any case, I note that Wis. Stat. § 137.06, titled "Electronic Transactions and Records; Electronic Notarization and Acknowledgement," was repealed in 2004.) The electronic signature is valid and the court's

order stands.

Also, plaintiff has filed a letter stating that he believes that he does not have to pay the \$350 filing fee for this action. As I explained to him in the July 1 order, 28 U.S.C. § 1914(a) requires him to pay the fee. That provision states: “The clerk of each district court shall require the parties instituting any civil action, suit or proceeding in such court, whether by original process, *removal or otherwise*, to pay a filing fee of \$350” (Emphasis added.)

Finally, I note that plaintiff continues to submit similarly flawed notices of removal on almost a daily basis. Under the July 1 order, the clerk of court has not opened these filings as new cases, and rightfully so, because they are frivolous. I understand that plaintiff believes that he is being cited wrongfully for violating an ordinance requiring landlords to obtain a license from a building inspector in order to rent residential property. However, he continues to labor under the misapprehension that this federal court can consider his claims. I urge plaintiff to meet with a lawyer who can discuss his case with him and assess whether he has some recourse in the state court system.

Entered this 30th day of July, 2010.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge