

ORIGINAL

In the United States Court of Federal Claims

No. 15-1416C
(Filed December 23, 2015)
NOT FOR PUBLICATION

FILED

DEC 23 2015

**U.S. COURT OF
FEDERAL CLAIMS**

 *
 DAVID MERRILL, *
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 Plaintiff, *
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 *
 v. *
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 *
 THE UNITED STATES, *
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 *
 Defendant. *
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ORDER

Within the past ten days, the Clerk’s office has received three submissions from the plaintiff, which were not filed upon receipt because they were not in a recognizable form for filing under our court’s rules. The first, received December 14, 2015, is a copy of a transcript, sent by a court reporting company at plaintiff’s request, of a Colorado state court probate hearing in which plaintiff participated. As the letter forwarding the transcript is dated December 1, 2015, Mr. Merrill made this request before he was informed, in the Order dated December 9, 2015, of the requirement that he move for leave to file a document with our court, and his failure to so move will be excused. The transcript concerns Mr. Merrill’s contention that a state magistrate judge’s oath of office was not properly recorded. While it is very difficult to see how this can relate to a claim that comes within our subject-matter jurisdiction, the Court notes that the complaint does reference this state judge and her oath of office. *See, e.g.*, Compl. at 18, 25, 92. The Clerk is directed to file this document as a status report.

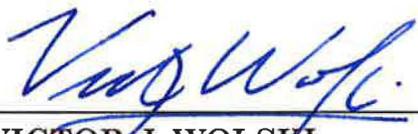
The second document, received on December 16, 2015, is entitled “Update.” This document cites and discusses the Order dated December 9, 2015, docket number 10, and thus Mr. Merrill will not be excused for failing to move for leave to file it. In addition, apparently due to his unusual theory about the significance of the phrase “SO HELP ME GOD” being printed in small capitals on an oath of office certificate, throughout this document Mr. Merrill refers to the undersigned using only a surname. Whatever his disputes with other judges, as a litigant in this court

Mr. Merrill must conduct himself with proper decorum. The disrespect implied in his manner of referencing the undersigned would justify disregarding the paper were it a brief, *see* Rule 5.4(a)(1) of the Rules of the United States Court of Federal Claims (RCFC), and striking the document were it a pleading, *see* RCFC 12(f)(1). The Clerk is directed to return this document to plaintiff.

The third document, received December 21, 2015, is entitled "Update and Notice" and includes the case number and the name of the judge assigned his district court matter. The document suffers from the same defects as the one received December 16 --- it was not accompanied with a motion for leave to file the document, and it disrespectfully refers to the undersigned by surname. In addition, the document includes a copy of the December 10, 2015 Order with "Refusal for Cause" handwritten upon it. The Clerk is directed to return this document to plaintiff.

The Court still fails to understand the unusual theory of Mr. Merrill concerning the typeface used to print "SO HELP ME GOD" on the certificate memorializing the oath of office. It is odd that Mr. Merrill professes concern over the use of capital letters, while failing to recognize that the phrase is actually in *small capitals* on the certificate for the undersigned (and thus, "GOD" and "God" should mean the same). Moreover, the certificate merely memorializes the oath, including the invocation to God as witness, taken by the undersigned orally in open court. As someone who takes oaths, and in particular the oath of office, very seriously, the Court will not tolerate any further disrespectful conduct on the part of Mr. Merrill.

IT IS SO ORDERED.



VICTOR J. WOLSKI
Judge