


Paul L. Friedman
U.S. District Judge
10/21/21

No.

**United States Court of Appeals
For the District of Columbia Circuit**

IN RE: MICHAEL T. PINES,
Petitioner

On Petition for a Writ of Mandamus to the
United States District Court for the District of Columbia
Case Nos. 1:16-cv-00745-PLF,
United States Court of Claims 15-1575C

**PETITIONER'S EMERGENCY MOTION/DECLARATION FOR
UNITED STATES (PACER) TO REACTIVATE PACER ACCOUNT**

October 20, 2021

MICHAEL T. PINES
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FACTS

The lower courts in the above matters have failed and refused to allow Petitioner to file documents, or rule on motions made by Petitioner as set forth in the documents filed previously.

The District Court requires Petitioner to email documents requested to be filed and then it decides whether to add them to the docket and

schedule any motion. If the District Court does not allow it to be added to the docket, nothing happens and no further communication is sent to Petitioner.

The lower courts in both matters below are sealing filings and redacting documents on their own initiative without any input from the parties.

Petitioner sent a motion for the District Court to order and schedule a status conference and to appoint a Special Master. The District Court did not put it on the docket, schedule it for hearing, or communicate further regarding it, so Petitioner filed the instant Writ seeking the same relief.

In the District Court matter, it has already been finally determined that Pacer has overcharged the estimated 2 million subscribers related to certain categories of expenses by this Court. However, the United States has stated it is impossible to calculate the amount of any overcharges or to determine the amount to credit any subscriber.

All counsel, including the U.S. Attorneys representing the United States fail and refuse to have any communication with Petitioner at all.

Petitioner alleges Pacer is liable to him for more than the amounts already found by this Court to be overcharges, however Petitioner should at least get credit for that amount.

Petitioner was billed by Pacer and a charge was made to his debit card. Given that Petitioner is in severe financial distress he disputed the last charge made by Pacer for approximately \$92 and his bank account was credited.

Pacer has received notice of the dispute and suspended Petitioner's account such that Petitioner has no way to obtain documents or file any.

Petitioner has briefs due in several federal courts including the case pending in United States District Court, District Of New Jersey, Bacon Et. Al. Vs. Avis Budget Group, Inc. et. al., No. 2:16-cv-05939-KM-JBC. Briefs are due from Petitioner by Monday, October 25, 2021. Absent an order from this Court, Petitioner will not be able to file the briefs and will suffer irreparable injury.

This Motion will be sent to the District Court below with a request that it docket and rule on this motion. All parties will be served. However, given that the District Court has not even allowed filings by Petitioner it appears no action by the District Court will be taken.

The courts and parties below have simply stopped doing anything.

It is unlikely the United States Supreme Court will take up this matter so if this Court does not act in this matter, Petitioner and the other

estimated 2 million subscribers to Pacer will have no other way to obtain relief.

RELIEF REQUESTED

It is respectfully requested this Court render an order that the Pacer account of Petitioner be immediately restored to an active status and that Pacer not charge Petitioner further pending further order of the Court.

VERIFICATION

I, Michael T. Pines, am the Petitioner and declare under penalty of perjury the facts stated above are true and correct.

PROOF OF SERVICE

I, Michael T. Pines declare under penalty or perjury that I have sent this to the District Court by email as instructed by it and requested it be filed and that it rule on the motion.

I further declare I have also served this Motion by email on all counsel.

Dated: October 20, 2021

/s/ Michael T. Pines

Respectfully Submitted,

Dated: October 20, 2021

/s/ Michael T. Pines