UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: LAWRENCE L. CRAWFORD LITIGATION MDL No. 3116

ORDER DENYING MOTION FOR RECONSIDERATION AND MOTION FOR MISCELLANEOUS RELIEF

Before the Panel:[*] In August 2024, *pro se* plaintiffs Lawrence L. Crawford, Alton Chisholm, Jeremiah Mackey, and Anthony Cook filed a motion for reconsideration of our July 31, 2024 order denying centralization in the District of New Jersey under Section 1407 as to the actions listed on Schedule A and other allegedly related actions. Subsequently, Crawford submitted five supplemental documents in support of the reconsideration motion and a separate motion for miscellaneous relief. In the latter motion, plaintiffs seek the "recusal of Ohio, Kentucky, Philadelphia, MDL Panel Judges, Georgia, Delaware, South Carolina District Court Judges, to Include Chief Adm Judge Coble." They also request the establishment of the "forfeiture and waiver" of defendants on the issue of Section 1407 transfer, an order requiring Crawford to be taken to the "SC Arthritis Knee Pain Center," an order halting alleged district court efforts to deny *in forma pauperis* status, an order vacating state court orders procured by fraud, and appointment of counsel for all plaintiffs but Crawford.

I.

We begin with plaintiffs' motion to recuse all "MDL Panel judges" from this docket. Plaintiffs argue that recusal is required on the ground that "the Panel Judges conspire[d] across multiple state and federal jurisdictions with the federal actors" in New Jersey, South Carolina, and other districts to prevent the filing of new and amended complaints that would have supported centralization and, further, that the Panel judges "conspired to conceal" defendants' waiver of objections to centralization. Plaintiffs' conclusory allegations of judicial misconduct are groundless and thus do not provide a basis for recusal.

Under 28 U.S.C. § 455(a), a judge "shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." "The test for disqualification under this provision is whether a reasonable person, with knowledge of all the facts, would conclude that the judge's impartiality might reasonably be questioned." *In re Kensington Int'l Ltd.*, 368 F.3d 289, 301 (3d Cir. 2004). Recusal "hangs on whether a reasonable *factual* basis exists for calling the judge's impartiality into question." *See, e.g., Silver v. Capital One Fin.*, 2023 WL 2868323, at *3 (D. Utah Apr. 10, 2023) (emphasis in original). "'[S]peculation, beliefs, conclusions, innuendo, suspicion,

[*] Judge David C. Norton, Judge Dale A. Kimball, and Judge Madeline Cox Arleo did not participate in the decision of this matter.

opinion, or baseless personal attacks will not ordinarily satisfy the requirements for disqualification under § 455(a).'" *Id.* at *3 (quoting *United States v. Cooley*, 1 F.3d 985, 993 (10th Cir. 1993)). Here, plaintiffs offer only baseless personal attacks and conclusory accusations in support of their request for recusal. For example, they make the bald assertion that "the compromised Panel Judges conspired to conceal" defendants' alleged forfeiture of objections to centralization and, further, that "the Panel Court Judges . . . conspired to have the Judge Mary Noreika of the Delaware District Court, the judges of the South Carolina District court and the judges of the New Jersey District Court prevent the filing of legal pleading, illegally spoliating those filing, to allow the Panel to in acts of fraud upon the court make use of the Snider Case" in the order denying transfer.[1] A court is not required to accept the truth of "fantastic or delusional scenarios" or allegations that are "irrational or wholly incredible" in evaluating *pro se* pleadings from *in forma pauperis* litigants. *See Denton v. Hernandez*, 504 U.S. 25, 32-33 (1992). That standard logically applies to motions for recusal as well. Plaintiffs' motion for recusal of all Panel judges is denied.[2]

II.

Turning to plaintiffs' motion for reconsideration, they primarily argue that reconsideration is warranted because new related actions support centralization and the complaints in those actions could not have been filed earlier because numerous judges, including the Panel judges, conspired to block the filing of the complaints.[3] They further argue that the Panel erred in declining to consider actions that have been dismissed because plaintiffs continue to pursue relief in the actions.

After considering plaintiffs' arguments, we deny the motion for reconsideration. Absent a significant change in circumstances, the Panel only rarely will reach a different result upon reconsideration. *See In re Fresh Dairy Prods. Antitrust Litig. (No. II)*, 959 F. Supp. 2d 1361, 1362 (J.P.M.L. 2013). Plaintiffs have not demonstrated that such a change has occurred in this litigation. Our denial of centralization was not based solely on the limited number of actions involved in this litigation. We determined that centralization would not serve the convenience of the parties and witnesses or further the just and efficient conduct of this litigation because "Crawford has a long history of frivolous litigation in the federal court and has accumulated 'three strikes' under 28 U.S.C. § 1915(d)," and it is not appropriate to use centralization "as a mechanism for avoiding a court allegedly hostile to [plaintiff's] claims." *See In re Lawrence L. Crawford Litig.*, 2024 WL 3628780, at *1 (J.P.M.L. July 31, 2024). Plaintiffs' assertion that there are now related actions

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[1] *See* Pls.' Mot. for Misc. Relief at 4 (J.P.M.L. Oct. 17, 2024); Pls.' Mot. for Recons. at 6 (J.P.M.L. Aug. 22 2024).

[2] We note that plaintiffs' request for recusal of all Panel judges is puzzling for it would deprive them of the minimum quorum of four Panel judges required to rule. *See* 28 U.S.C. § 1407(d) ("The concurrence of four members shall be necessary to any action by the panel."). The rule of necessity can be invoked where a quorum is lacking, though there has been no need to so do here. *See, e.g., In re Adelphia Commc'ns Corp. Sec. & Derivative Litig.*, 273 F. Supp. 2d 1353 (J.P.M.L. 2003).

[3] Plaintiffs refer to *Crawford v. S.C. Attorney General,* No. 24-4660 (D.S.C. filed Aug. 26, 2024) and *Crawford v. Kipp Charter School,* No. 24-3934 (D.N.J. am. compl. Aug. 27, 2024).

pending in seven districts does not change that conclusion.[4] Additionally, plaintiffs' assertion that their dismissed actions, state court actions, and various criminal actions should be considered subject to transfer is plainly wrong. Section 1407 transfer is limited to "civil actions" that are "pending in different districts." *See* 28 U.S.C. § 1407(a).

Plaintiffs also argue that the absence of opposition from defendants entitles them to centralization, on the theory that defendants have "forfeited" or "waived" objections to transfer. Plaintiffs misunderstand the considerations involved in centralization. "Centralization of any litigation . . . is not automatic, and will necessarily depend on the facts, parties, procedural history and other circumstances in a given litigation." *See In re Select Retrieval, LLC ('617) Patent Litig.*, 883 F. Supp. 2d 1353, 1354 (J.P.M.L. 2012). Here, the record before us convinces us that centralization is not warranted even though few parties responded to the motion for centralization and no parties responded to the motion for reconsideration.

Finally, plaintiffs' allegations of a judicial conspiracy to block their actions do not support reconsideration. As discussed above, we are not required to accept the truth of "fantastic or delusional scenarios" or allegations that are "irrational or wholly incredible." We already have determined that plaintiffs' baseless personal attacks on the judges of this Panel do not support recusal and, for the same reasons, they do not support reconsideration.

In summary, we find plaintiffs' arguments in support of reconsideration and other miscellaneous forms of relief to be meritless. We also observe that their conduct since the order denying transfer has been vexatious and frivolous. Since we denied transfer, plaintiffs have filed over 900 pages of documents with the Panel and have filed complaints in additional districts to bolster the putative multidistrict status of their *pro se* actions. Plaintiff Crawford is the lead plaintiff in this pattern of conduct.[5] Moreover, as we previously observed, he has a long history of frivolous litigation in the federal courts and has accumulated "three strikes" under 28 U.S.C. § 1915(d). *See In re Lawrence L. Crawford Litig.*, 2024 WL 3628780, at *1 & n.2 (J.P.M.L. July

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[4] The pending federal civil actions that plaintiffs' reconsideration motion identifies for centralization are: *Crawford v. S.C. Attorney General,* No. 24-4660 (D.S.C. filed Aug. 26, 2024); *Crawford v. Kipp Charter School,* No. 24-3934 (D.N.J. am. compl. Aug. 27, 2024)); *Crawford v. McKinley*, No. 24-00246 (W.D. Ky.); and the two *Crawford* actions on Schedule A (*Crawford v. The Pope* and *Crawford v. City of Whitehall*).

Plaintiffs err in asserting that three dismissed actions remain pending. The *Fearless Fund* action on Schedule A was dismissed on September 11, 2024, on joint stipulation of the parties. *Crawford v. The U.S. Congress* was dismissed in March 2024. *See Crawford v. The U.S. Congress*, No. 24-0028, Order (W.D. Ky. Mar. 25, 2024). *Crawford v. Atkinson* was dismissed in 2022. *See Crawford v. Atkinson*, No. 21-2526, Order and Judgment (D.S.C. Aug. 2, 2022).

[5] Crawford, a self-described "sovereign," is the focal point of the filings in this docket. He is the lead plaintiff in the two actions on Schedule A that remain pending (*Crawford v. City of Whitehall* and *Crawford v. The Pope*). He also is the lead plaintiff in all federal civil actions designated as potential tag-along actions. The return address on all of the plaintiffs' filings in this docket list Lawrence L. Crawford as the sender.

31, 2024). The motions for reconsideration and other relief are now resolved, and we will not allow further filings in this docket.[6]

IT IS THEREFORE ORDERED that plaintiffs' motion for reconsideration is DENIED.

IT IS FURTHER ORDERED that plaintiffs' motion for miscellaneous relief is DENIED.

IT IS FURTHER ORDERED that the Clerk of the Panel is directed to accept no further filings in this docket.

PANEL ON MULTIDISTRICT LITIGATION

Karen K. Caldwell
Chair

Nathaniel M. Gorton
Matthew F. Kennelly
Roger T. Benitez

[6] We previously cautioned Crawford that a no-further-filing restriction potentially could be imposed given the record in this docket. The order denying centralization stated:

> We observe that this is not plaintiff Crawford's first attempt to obtain centralization of his actions. He previously has asked two other district courts to centralize his actions in an MDL under Section 1407 – relief that district courts do not have authority to grant. Given his history of frivolous litigation, including multiple baseless attempts at centralization, we caution Crawford that further frivolous filings before the Panel may result in restrictions on his ability to file materials before the Panel.

See In re Lawrence L. Crawford Litig., 2024 WL 3628780, at *2 (footnote omitted).

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SCHEDULE A

Northern District of Georgia

AMERICAN ALLIANCE FOR EQUAL RIGHTS v. FEARLESS FUND MANAGEMENT, LLC, ET AL., C.A. No. 1:23−03424

Southern District of Ohio

CRAWFORD, ET AL. v. THE CITY OF WHITEHALL, ET AL., C.A. No. 2:23−02962

Eastern District of Pennsylvania

CRAWFORD, ET AL. v. THE POPE, ET AL., C.A. No. 2:24−00659