UNITED STATES COURT OF APPEALS

for

THE THIRD CIRCUIT

Joseph Mallon

Plaintiff/Appellant

Case Number: 26-cv-02712

v.

United States, Liable for Donald J. Trump (and Trump Administration)

Defendant/Appellee

AI Summary of Appeal of Denial of Motion for Judgment by Default

This is a pro se appeal asking the Third Circuit to overturn the denial of Joseph Mallon's motion for default judgment against the United States and return the case to the lower court with a different judge.

Core position

Mallon states that he submitted an SF-95 administrative tort claim in October 2025 after extensive communications with the White House and Trump administration. He contends that, because the United States did not respond within six months, he was entitled under the Federal Tort Claims Act to file federal case 26-cv-02712. He further argues that the government then defaulted in the court case by failing to respond.

Grounds asserted for the appeal

- **Default judgment was wrongly denied:** Mallon argues that the lower court should have granted default judgment because the defendant failed to respond. He cites *Int'l Union of Operating Eng'rs v. N. Abbonizio Contractors, Inc.* as support for awarding default judgment and legal fees after a party defaults.
- **Insufficient court reasoning:** He criticizes the judge's short order stating there was "no cognizable basis for relief," arguing that the court did not explain its reasoning, ask clarifying questions, address the SF-95 claim, or analyze the underlying issues.

- **Denial of an opportunity to resolve the matter:** Before appealing, Mallon filed a November 3, 2026 motion seeking a chance to work out a constructive resolution. He says the court denied it, treated it as a mediation request, and did not offer any resolution.
- **Perceived lack of impartiality:** Mallon alleges the judge acted hastily and unfairly by denying his motions quickly and without sufficient consideration. He requests assignment of another judge.

Relief requested

Mallon asks the appellate court to:

- Reverse the denial of default judgment;
- Rule in his favor or remand with instructions for the lower court to handle the case properly;
- Assign a different judge;
- Require the United States to pay court costs, legal fees, and compensation for his work on the case.

He seeks compensation at **at least $2,000 per week**, describing it as payment for his professional work caused by the government's alleged nonresponse. The filing includes weekly timesheets at **$50 per hour**, generally reflecting 40 hours and $2,000 per week from late September through early December 2026.

Additional assertions

The filing also states that Mallon has communicated with the White House since 2017, has academic and legal work he believes should be recognized, and maintains supporting materials on his website. It repeatedly emphasizes his view that the case and administrative claim were valid, that the government's nonresponse caused his work and expenses, and that the lower court did not meaningfully address his claims.