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

Appeal of Denial of Motion for Judgment by Default

I had seven valid claims concerning the United States. I put them on an SF-95 form after 10 months of communicating electronically to Trump and the Trump administration at the White House in 2025. These claims could have and should have been worked out before 10 months passed by, but because they were not, there was the SF-95 form that I started in October 2025. The United States has to respond to the SF-95 form within six months, and if not, a Federal Court law case can be made, (Federal Tort Claims Act - FTCA). Six months went by with the SF-95 form not responded to, so I made a law case in a Federal Court.

At this point, I already had a legal basis for making the law case. The claims on the SF-95 form said about the justification for the relief sought. Plus, I worked on everything through all that time, and my time has value, too, so I deserve to be paid for my work done. I was caused by the United States to have to do the work because the United States would not respond when supposed to and required to respond, which caused a damage to rights, property, and career activity, because of the negligence, wrongful act, and omission (U.S. Department of Justice). Thus, there was a cause of action and a basis for the relief sought. For the court to express the opposite of that without appropriately questioning and increasing knowledge of the specifics involved and to just reiterate that nonmutual perspective was not right and caused a skew—prejudice—and inappropriate results of the law case.

There was an error the lower court made in not granting the Motion for Default Judgment. There had been a default, and the defendant was currently in default. The plaintiff, myself, had valid grounds for a cause of action following the defendant excessively not responding when supposed to and required to respond, which caused a damage to rights, property, and career activity, because of the negligence, wrongful act, and omission (U.S. Department of Justice), and the relief sought of a reasonable pay as an active times minimum of $2,000 per week for an advanced professional status level with the United States government was justified as an only way for there to be fairness and accuracy when the defendant caused most if not all of the work involved to have to be done. I cited the *Int'l Union* law case in my Motion for Default Judgment because the default judgment was approved for the plaintiffs along with legal fees, exhibiting and providing direct authority for the default judgment to be granted to the plaintiff for the defendant failing to respond, *Int'l Union of Operating Eng'rs of E. Pennsylvania & Delaware Benefit Pension Fund v. N. Abbonizio Contractors, Inc.*, 134 F. Supp. 3d 862, E.D. Pa. 2015. This was one of the judge's own cases, but the trouble was that the judge did not decide consistently here with this *Int'l Union* case, one of his own cases, and that disagreement caused all kinds of problems, including this appeal. The defendant caused this Federal Court law case, by the excessive non-responding, just like the defendant caused this law case's continuance, so the defendant, United States, with vicarious liability for Trump and the Trump administration, should pay for and be ordered to pay for the Court costs of this Federal Court law case, all legal fees, and pay to me for doing the law work I had to dutifully do on this law case.

I also presented to the Court a *Motion for Giving a Chance for Something to be Worked Out Before I Appeal* so that the Court could enable something of benefit to come of my law case and make the situation be that I would not have to appeal. This Motion for Giving a Chance would give the Court an additional chance to work out something constructive with me concerning this law case or any of the issues involved before I would make an appeal and so that I would not have to make an appeal. The Court only let the time go by, denied my "Motion for Giving a Chance for Something to be Worked Out Before I Appeal," and did not work out anything constructive with me, so I had to appeal.

Reasoning for Background to the Appeal

I made a law case in a United States Federal Court. I had grounds for the law case and sought compensations due me without needing everything all at once at the start but needing enough presently so that anything additional can be reasonably and fairly worked out. The defendant defaulted through more than six months. I explained in my "Motion for Giving a Chance..."

> I made a Motion for Judgment by Default. The Motion for Judgment by Default was denied. I followed-up and made a more inclusive Motion for Judgment by Default. Even though I made good faith efforts with another Motion for Judgment by Default, the Motion was denied again. I do not want to do that again for another time, especially just to have the Motion denied again. I do not want to do just nothing, either, so I considered appealing. Before I would make an appeal, I wanted to give one more chance at actually working on this law case without an appeal (Motion for Giving a Chance..., Filed 11-03-2026, 26-cv-02712)

I further said,

> I want something constructive to come of this law case. That is why I made it and paid to have this law case. I want to see something result that is of some good and that I see is of benefit. I want something that adds to the situation. I want this law case to serve a good purpose. That is what I am looking for and expecting and requesting from this law case (Motion for Giving a Chance..., Filed 11-03-2026, 26-cv-02712).

I questioned,

> Can anything be worked out with me concerning this law case or any of the issues involved with this law case before I make an appeal and so that I do not have to make an appeal? If anything can be worked out with me, I request it be presented to me so that I can work with it. I do not expect everything there is all at once, but I would expect something that would be sufficient for me to continue doing the involved work without any further injustice to me (Motion for Giving a Chance..., Filed 11-03-2026, 26-cv-02712).

I explained,

> For instance, the United States, having vicarious liability for Trump and the Trump administration can be ordered to pay for the Court costs, legal fees, and pay to me for my work done involving this law case and the United States. I can be paid for now, as I have been saying, a pay of a salary of $2,000 per week for being in an advanced professional position of honor with the United States government (Motion for Giving a Chance..., Filed 11-03-2026, 26-cv-02712).

I also said that "If something can be worked out with me, I request it be presented to me. I will proceed accordingly and including in terms of whether or not I make an appeal" (Motion for Giving a Chance..., Filed 11-03-2026, 26-cv-02712).

Concerning Latest Federal Court Judge Order Denying Motion for Judgment by Default Following the Defendant Defaulting more than Six Months

To just say "no cognizable basis for relief he seeks" is the same as saying of not knowing what the person is talking about or expressing. That is like saying of not knowing the knowledge involved. How can you know the knowledge involved or what someone is talking about if you do not respectfully ask any questions? If you do not know something, that does not mean that everything involved should be denied or negated or lessened in any way. You yourself just do not know what is involved or what is being expressed.

This particular judge did the same exact thing as he did on the previous occasion. I made a Motion for Judgment by Default, and on the next day, he went in there and denied the Motion. I then made the Motion again and made the Motion more detailed and inclusive, but this judge did the same thing as previously, which was he denied the Motion on the next day. He wrote three sentences in his denial and denied my important, valid, worthy, and honorable Motion for Default Judgment.

This judge did not clarify anything. He did not explain what he meant by the basis for relief sought not being cognizable. He did not say what he does not understand. He did not question me about anything. He did not do any of the work involved and only made his

denial order, which was made on the next work day and was only three sentences that were unexplained.

That action on the part of this judge, and the Court as a result, was hasty and disrespectful. There was no rationale. The defendant in this case defaulted. How hard is that to see and understand? When you can clearly see that the case has been running for more than six months, and the defendant has still not replied to the plaintiff or the Court either, that is clearly and blatantly a default. Jumping on the side of the defaulting party is not something appropriate, and doing a little working on the case is what is right, necessary, and just.

If not doing the work on a case, or on anything else for that matter, it is impossible to know the issues involved. There is no one who walks into a classroom on the first day of class, or a courtroom on the first day of a law case, and just says to everyone that your materials are incognizable and I know everything involved, so I deny the class book, or law case, and here are three sentences expressing my denial that should continue for the class or case. This situation is everything not being fully determined, studied, or learned. Directly, with the denial, that is with all the issues involved not dealt with, nothing worked on or worked out, and everything left neglected and still requiring.

I went to the Court for assistance to help at the issues involved being dealt with – worked out. I requested the Court to help me at enforcing the law. This judge, and as a result this Court, did not assist at enforcing the law or at working out any of the issues involved by, on the first day, merely denying my Motion for Default Judgment when the other party—the defendant—defaulted through six months of the active law case, following six months of an SF-95 form.

As previously mentioned, I did give another chance before appealing. I filed a “Motion for Giving a Chance for Something to be Worked Out Before I Appeal” on November 3, 2026. This motion was denied, and this motion was considered myself asking for mediation and was treated as though the defendant has to be present and consenting for mediation. Rather than just jumping onto the defendant side without justification, the consideration could have and should have been that the defendant was defaulting and was not cooperating with anyone, such as the plaintiff or the Court. I worked six months on this current Federal Court law case, and now another month because I gave another chance

before I would appeal. I do not think this judge is being impartial or fair to me, the plaintiff or any of the issues involved with this Federal Court law case. That is why I have to dutifully make this appeal and herein request another judge to be assigned to this case, a judge that will do the job and include being fair and reasonable to law-abiding and honorable parties involved, such as the plaintiff, myself.

Also, the SF-95 form was not mentioned at all. None of the actual issues involved were mentioned at all. There was a Motion for Judgment by Default because there was a default.

This case is certainly not settled. This judge just did not grant the Motion for Default Judgment, which would have settled the case. Now, everything remains requiring, needlessly because of not being settled. More work has to be done on my part, and longer has to be gone through when I deserve better than that. This situation was caused to be burdensome to me when it should not have been.

I was supposed to be properly regarded concerning this law case. This was a valid law case made honorably and meritoriously. I paid for this law case. I do not feel that I got what I paid for. I am very displeased. I want to send back the product because of it not being what was paid for.

More Background

I worked and worked on the issues involved through the entire year of 2025. In October 2025, I made an SF-95 form and continued working on the issues involved through the six months of the SF-95 form. Following I made the law case, this one, cv-26-02712, pro se in a Federal Court, as the SF-95 form allows if the United States does not respond within six months. I made the law case in a Federal Court and worked on that law case through the six months before my Motion for Default Judgment was denied on the first day, with three unclarified sentences, no questions asked about anything involved, nothing worked out, and no issue addressed.

There is no law case that would be made and continued for six months if there was nothing cognizable about it. There would not be a law case made in a Federal Court if there was not something cognizable involved. There would not be a law case made in a Federal Court following six months of an SF-95 form if there was not something cognizable to it.

I have been communicating to the White House through many years. My communication has been with the Trump administration since in 2017. I got to where I was communicating daily to the White House because of my communication being so excessively not dealt with. None of the money involved was worked out, either, but it should have been and had to be and still has to be. There are plenty of materials I still have on my website, https://www.godsmiraclecross.com/realm, as primary exhibits.

Well ahead of time when I was working on the SF-95 form and communicating daily to the White House, I explained that if I am not responded to within six months, I will make a law case in a Federal Court. If I make such a law case, it is only because of the United States not responding and not working out any of the issues involved, so if that law case is made, it is only because of the United States. That is the United States with vicarious liability for Trump and the Trump administration. Since the United States caused the law case, the United States should pay for the Court costs and legal fees and including pay for my work on the law case.

Further, because of my law – legal – background, I have to be referred to as "Your Honor" or "Honorable" when referring to me in any way involving this law case, and my findings have to be known and regarded as being Federal law. I have a doctoral law dissertation requiring to be rewarded and honored. I bridged 30 years of work with that law dissertation. This law dissertation in 2024 follows a business dissertation in 2012 and a post-doctoral business dissertation in 2019. I cited the law case relevant to the student loans and the situation of the involved university and many universities in those times, (**Sweet v. DeVos / Cardona / McMahon, No. 19-cv-3674, N.D. Cal. *United States District Court for the Northern District of California,* Student Loans Defense Number 01400527**). The law case should be taken seriously. I made other citations, too, that were appropriate for what they were and should have been honored. There should not have been everything not regarded and a mere denial that left everything remaining neglected and still requiring with nothing being worked out at all.

This law case has not provided any benefit yet. This Federal Court law case has not served any purpose yet. There is nothing any good that has come of this law case yet, in more than six months of the active law case.

The court could not deal with any of the issues involved? The court could not even work out anything relevant at all? The court could not contribute in any way? That is what happened 30 years ago. I questioned this and had to figure everything out. That is all the Court did again, 30 years later, and did not do the appropriate professional work. I had to figure all that out 30 years ago. When I would express about the very good and honorable law cases I made, I had to figure out and say what happened. Nothing involved was dealt with. None of the issues involved were addressed. All the issues involved were left neglected, and I had to continue doing everything myself. Now, 30 years later, this is what I saw again so far. None of the issues involved were dealt with—worked on or worked out, and everything was left requiring for me to do myself, which is what I had to do through the past 30 years. My law case was after 30 years. The court doing this 30 years ago was because the Court did not have an understanding of the issues involved, and while that may have been even somewhat reasonable 30 years ago, there is no excuse for it now, 30 years later. My law case was not just of 30 years ago, either; it was of the active times now in 2025 and 2026 and directly of 2017 through to now in 2026.

Conclusion and Current Situation

The United States is liable for what the United States Federal Courts do, just like I am already complaining about with Trump and the Trump administration. A Federal Court is not supposed to just ignore everything and do the same things complained about.

If I have to do more relevant work involving the United States, the United States has to pay for it. That is a cognizable basis for any relief I seek. I obviously have to do more work involving the United States because everything remains requiring, and nothing was worked out. I demand I be paid reasonably for the work I do. There will be no fairness or accuracy without myself receiving a fitting pay according to national United States standards. I would say, as I have done before, I have to be paid a salary of at least $2,000 per week for the situation to be honest, fair, and accurate.

Again, that is a basis for me being paid the relief sought. If anyone has anything to figure out or understand about it, then that is for that party to do. If anything additional is needed or has to be worked out, then that has to be done. If the Court needs some kind of specific document, then let the Court make that specific document. I am very reasonable at working out the situation and the issues involved, but I have to be treated honorably and be given a chance to have something that can be worked out.

Nothing was presented to me for working out the situation of my law case or any of the issues involved even though I gave an additional chance. I was not proceeded mutually with and was not treated right by not being adequately or reasonably regarded in a positive and honorable way. I made this law case, 26-cv-02712, and I worked honorably on this law case. This law case was a good law case I made and worked on, and I paid for this law case. I wanted to see at least a sufficiency of something meritorious come of this law case, and I needed that, too, because that was why the law case was made and was active for so long. Without anything coming of the law case or being worked out, after I gave another chance for the Court to do something additional and present it to me for working out something involved with the law case, I had to appeal.

I also included herein a timesheet for my $2,000 per week pay to me for my working hours since October 1, 2026 through to the end of November 2026.

I hereby make this appeal of the lower court denial of my Motion for Judgment by Default, request for an alternate judge to be assigned, and request this case be ruled in my, the plaintiff's, favor and be remanded to the lower Court with clear instructions to work on this case correctly and acceptably to myself, the plaintiff, included.

Joseph Mallon

Joseph Mallon

Dated: Tuesday, November 24, 2026

Weekly Timesheet

Employee: Joseph Mallon
Pay Period: 2026-10-01 to 2026-12-31
Hourly Rate: $50.00

Date	Day	Time In	Time Out	Break (min)	Total Hours	Regular	Overtime	Overtime $	Vacation	Sick	Holiday	Pay	Notes
28-Sep	Mon				8.00	8.00	0.00	0.00				$400.00	
29-Sep	Tue				8.00	8.00	0.00	0.00	0	0	0	$400.00	
30-Sep	Wed				8.00	8.00	0.00	0.00				$400.00	
1-Oct	Thu				8.00	8.00	0.00	0.00				$400.00	
2-Oct	Fri				8.00	8.00	0.00	0.00				$400.00	
3-Oct	Sat				0.00	0.00	0.00	0.00				$0.00	
4-Oct	Sun				0.00	0.00	0.00	0.00				$0.00	
TOTALS					**40.00**	**40.00**		**0.00**	**0.00**	**0.00**	**0.00**	**$2,000.00**	

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Date	Day	Time In	Time Out	Break (min)	Total Hours	Regular	Overtime Hours	Overtime $	Vacation	Sick	Holiday	Pay	Notes
5-Oct	Mon				8.00	8.00	0.00	0.00				$400.00	
6-Oct	Tue				8.00	8.00	0.00	0.00				$400.00	
7-Oct	Wed				8.00	8.00	0.00	0.00				$400.00	
8-Oct	Thu				8.00	8.00	0.00	0.00				$400.00	
9-Oct	Fri				8.00	8.00	0.00	0.00				$400.00	
10-Oct	Sat				0.00	0.00	0.00	0.00				$0.00	
11-Oct	Sun				0.00	0.00	0.00	0.00				$0.00	
TOTALS					**40.00**	**40.00**		**0.00**	**0.00**	**0.00**	**0.00**	**$2,000.00**	

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Date	Day	Time In	Time Out	Break (min)	Total Hours	Regular	Overtime Hours	Overtime $	Vacation	Sick	Holiday	Pay	Notes
12-Oct	Mon				8.00	8.00	0.00	0.00				$400.00	
13-Oct	Tue				8.00	8.00	0.00	0.00				$400.00	
14-Oct	Wed				8.00	8.00	0.00	0.00				$400.00	
15-Oct	Thu				8.00	8.00	0.00	0.00				$400.00	
16-Oct	Fri				8.00	8.00	0.00	0.00				$400.00	
17-Oct	Sat				0.00	0.00	0.00	0.00				$0.00	
18-Oct	Sun				0.00	0.00	0.00	0.00				$0.00	
TOTALS					**40.00**	**40.00**		**0.00**	**0.00**	**0.00**	**0.00**	**$2,000.00**	

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Date	Day	Time In	Time Out	Break (min)	Total Hours	Regular	Overtime Hours	Overtime $	Vacation	Sick	Holiday	Pay	Notes
19-Oct	Mon				8.00	8.00	0.00	0.00				$400.00	
20-Oct	Tue				8.00	8.00	0.00	0.00				$400.00	
21-Oct	Wed				8.00	8.00	0.00	0.00				$400.00	
22-Oct	Thu				8.00	8.00	0.00	0.00				$400.00	
23-Oct	Fri				8.00	8.00	0.00	0.00				$400.00	
24-Oct	Sat				0.00	0.00	0.00	0.00				$0.00	
25-Oct	Sun				0.00	0.00	0.00	0.00				$0.00	
TOTALS					**40.00**	**40.00**		**0.00**	**0.00**	**0.00**	**0.00**	**$2,000.00**	

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Date	Day	Time In	Time Out	Break (min)	Total Hours	Regular	Overtime Hours	Overtime $	Vacation	Sick	Holiday	Pay	Notes
26-Oct	Mon				8.00	8.00	0.00	0.00				$400.00	
27-Oct	Tue				8.00	8.00	0.00	0.00				$400.00	
28-Oct	Wed				8.00	8.00	0.00	0.00				$400.00	
29-Oct	Thu				8.00	8.00	0.00	0.00				$400.00	
30-Oct	Fri				8.00	8.00	0.00	0.00				$400.00	
31-Oct	Sat				0.00	0.00	0.00	0.00				$0.00	
1-Nov	Sun				0.00	0.00	0.00	0.00				$0.00	
TOTALS					**40.00**	**40.00**		**0.00**	**0.00**	**0.00**	**0.00**	**$2,000.00**	

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Date	Day	Time In	Time Out	Break (min)	Total Hours	Regular	Overtime Hours	Overtime $	Vacation	Sick	Holiday	Pay	Notes
2-Nov	Mon				8.00	8.00	0.00	0.00				$400.00	
3-Nov	Tue				8.00	8.00	0.00	0.00				$400.00	
4-Nov	Wed				8.00	8.00	0.00	0.00				$400.00	
5-Nov	Thu				8.00	8.00	0.00	0.00				$400.00	
6-Nov	Fri				8.00	8.00	0.00	0.00				$400.00	
7-Nov	Sat				0.00	0.00	0.00	0.00				$0.00	
8-Nov	Sun				0.00	0.00	0.00	0.00				$0.00	
TOTALS					**40.00**	**40.00**		**0.00**	**0.00**	**0.00**	**0.00**	**$2,000.00**	

Date	Day	Time In	Time Out	Break (min)	Total Hours	Regular	Overtime Hours	Overtime $	Vacation	Sick	Holiday	Pay	Notes
9-Nov	Mon				8.00	8.00	0.00	0.00				$400.00	
10-Nov	Tue				8.00	8.00	0.00	0.00				$400.00	
11-Nov	Wed				8.00	8.00	0.00	0.00				$400.00	
12-Nov	Thu				8.00	8.00	0.00	0.00				$400.00	
13-Nov	Fri				8.00	8.00	0.00	0.00				$400.00	
14-Nov	Sat				0.00	0.00	0.00	0.00				$0.00	
15-Nov	Sun				0.00	0.00	0.00	0.00				$0.00	
TOTALS					**40.00**	**40.00**		**0.00**	**0.00**	**0.00**	**0.00**	**$2,000.00**	

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Date	Day	Time In	Time Out	Break (min)	Total Hours	Regular	Overtime Hours	Overtime $	Vacation	Sick	Holiday	Pay	Notes
16-Nov	Mon				8.00	8.00	0.00	0.00				$400.00	
17-Nov	Tue				8.00	8.00	0.00	0.00				$400.00	
18-Nov	Wed				8.00	8.00	0.00	0.00				$400.00	
19-Nov	Thu				8.00	8.00	0.00	0.00				$400.00	
20-Nov	Fri				8.00	8.00	0.00	0.00				$400.00	
21-Nov	Sat				0.00	0.00	0.00	0.00				$0.00	
22-Nov	Sun				0.00	0.00	0.00	0.00				$0.00	
TOTALS					**40.00**	**40.00**		**0.00**	**0.00**	**0.00**	**0.00**	**$2,000.00**	

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Date	Day	Time In	Time Out	Break (min)	Total Hours	Regular	Overtime Hours	Overtime $	Vacation	Sick	Holiday	Pay	Notes
23-Nov	Mon				8.00	8.00	0.00	0.00	0	0	0	$400.00	
24-Nov	Tue				8.00	8.00	0.00	0.00				$400.00	
25-Nov	Wed				8.00	8.00	0.00	0.00				$400.00	
26-Nov	Thu				0.00	0.00	0.00	0.00	0	0	8	$400.00	
27-Nov	Fri				8.00	8.00	0.00	0.00				$400.00	
28-Nov	Sat				0.00	0.00	0.00	0.00				$0.00	
29-Nov	Sun				0.00	0.00	0.00	0.00				$0.00	
TOTALS					**32.00**	**32.00**		**0.00**	**0.00**	**0.00**	**8.00**	**$2,000.00**	

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Date	Day	Time In	Time Out	Break (min)	Total Hours	Regular	Overtime Hours	Overtime $	Vacation	Sick	Holiday	Pay	Notes
30-Nov	Mon				8.00	8.00	0.00	0.00				$400.00	
1-Dec	Tue				8.00	8.00	0.00	0.00				$400.00	
2-Dec	Wed				8.00	8.00	0.00	0.00				$400.00	
3-Dec	Thu				8.00	8.00	0.00	0.00				$400.00	
4-Dec	Fri				8.00	8.00	0.00	0.00				$400.00	
5-Dec	Sat				0.00	0.00	0.00	0.00				$0.00	
6-Dec	Sun				0.00	0.00	0.00	0.00				$0.00	
TOTALS					**40.00**	**40.00**		**0.00**	**0.00**	**0.00**	**0.00**	**$2,000.00**	

Joseph Mallon

Joseph Mallon

Dated: Tuesday, November 24, 2026