United states District Court for the District of Maryland

Cornell D.M. Judge Cornish, pro se	:	
Plaintiff	:	
v.	:	1:14-cv-03117-GLR
The Mayor and City Council of	:	
Baltimore City; and	:	
Stephanie Rawlings Blake	:	
Defendants	:	

This is a Motion to reconsider, revise, reverse and stay so much of the court's 5/15/2015 informal memorandum, which was converted into an Order to the docket clerk to suddenly close this case without prejudice.

The court is requested to reconsider, revise, reverse and stay the clearly unjust, sudden, unprecedented closing of this case without prejudice on 5/8/2015. Plaintiff is not making a frivolous election of *patent infringement* but is claiming *copyright infringement* of the text and map of a portion of the land that was patented to Lord Calvert. The court mistakenly closed this case because of a "frivolous" election that Plaintiff "holds a land patent." It failed to hold frivolous or mention in any way Plaintiff's true election to rely on a claim of copyright infringement as a basis for the diversity and statutory jurisdiction of the Court. That is an approved election that the plaintiff can make under the holding in *Mazer v. Stein, 347 U.S. 217 (1954)* and §§17 U.S.C 101-810.

The Supreme Court held the following in 347 U.S. 217:

As we have held the statuettes here involved copyrightable, we need not decide the question of their patentability. Though other courts have passed upon the issue as to whether allowance by the election of the author or patentee of one bars a grant of the other, we do not [footnote 37]. We do hold that the patentability of the statuettes, fitted as lamps or unfitted, does not bar copyright as works of art. Neither the copyright statute nor any other says that, because a thing is patentable, it may not be copyrighted. We should not so hold. [footnote 38],

Plaintiff does not rely only on an election of an ancient land patent to Lord Calvert for statutory jurisdiction of the court. He can and does rely on his election of the copyrighted text and map of patented land for the jurisdiction of the court under 17 U.S.C. §101-810. Indeed, the Court may not punish plaintiff for his election of his copyright of the text and map describing his land that may or may not be subject of a well-known land patent. Indeed, the court ignores plaintiff's mere mention of a possible claim for statutory jurisdiction of the court on the basis of his constitutional right to rely both on a copyright and a continuous chain of title on some small portion of the copyrighted text and map of his land covered by both his copyright and an 18th century land patent to Lord Calvert.

The court goes on to bar and punish plaintiff for electing an asserting that he can validly hold a copyright on part of the text and map showing the land described by metes and bounds in a land patent because it is also shown in the warranty deed from Elizabeth Rich Flannery on April 1, 1957, which was cited by the Court.

The Court clearly did not find as a fact, and did not hold as a matter of law that the merits of plaintiff's claim of copyright is infringement is invalid or frivolous because of a mere mention of a patent. Plaintiff's elected to claim

copyright infringement and it is an abuse of discretion the claim that that is a claim of patent infringement. It is clearly contrary to the case law to say that plaintiff cannot claim statutory jurisdiction based on his election to sue for copyright infringement in his Amended Complaint. To that end, his Amended Complaint was specifically authorized by the Court and that enabled Plaintiff to make his election to sue for copyright infringement. The sudden closing of this case after Plaintiff's election to seek copyright infringement was apparently a reaction to Plaintiff's election. That was an abuse of discretion and without authority under the case law.

The fact that Plaintiff merely claimed relevance of a land patent, does not bar his election to seek copyright infringement in his Amended Complaint on the same subject matter involved in his valid and infringed copyright as was claimed in an ancient patent to Lord Calvert.

To that end, the court is now clearly directed to approve diversity and statutory jurisdiction under *Mazer v. Stein, 347 U.S.. 217 (1954)* and 17 U.S.C §§101-810 and also to determine the merits of Plaintiff's claim. The Court is required to hold that plaintiff can selectively use his copyright rather than a land patent on the same subject matter as a basis for jurisdiction of the court. The question of whether patent protection is frivolous is irrelevant to the determination of the Court's jurisdiction. Plaintiff has a right to rely on his copyright for jurisdiction, as he does here, because that is not legally frivolous.

The Court defeats **Plaintiff's First Amendment right to fully hear his copyright claim in this case and on appeal. The Court's abuse of discretion and lack of authority for such action is clearly wrong for all to see since that**

necessarily defeats plaintiff's remedy for redress from the Defendants' misconduct in infringing his valid copyright, as clearly stated in claims 1-29 of plaintiff's Amended Complaint, and paragraph 2 of his motion of 5/8/2015 to expedite issuance of his copyright. There the plaintiff recaps his amended complaint for "damages and equitable relief for willful derivative copyright infringement without limitations thereto," for which the court clearly has diversity and statutory jurisdiction.

By closing this case suddenly by an informal memorandum without prejudice, the court makes it necessary unjustly for plaintiff to refile this case or to take an appeal on a record shortened unjustly by the court. That is an obvious waste of resources by both this court and the Plaintiff and Defendants. The Court's mistakenly closes this case based on "Plaintiff's assertion that he (1) holds a land patent." That quote from the Court's memorandum of May 15, 2015 is irrelevant as a matter of law and practice. It is moot even if true.

The court mistakenly and unjustly substitutes the word "patent" for the word "copyright" to prevent plaintiff from obtaining relief that he deserves under the Constitution, particularly the First Amendment. His copyright is on the deposit that plaintiff made in the Copyright Office on 3/9/2015 along with his application for a copyright on the text of his deed from Elizabeth Rich Flannery on April 1, 1957. That text constitutes valid copyrightable subject matter of a copyrightable map of the metes and bounds of his property at 46 E. 26th street, Baltimore, Maryland. That is subject matter for which the court has diversity and statutory jurisdiction to hold copyrightable without closing this cases unjustly according to the case of ***Mazer v. Stein*** , 347 U.S. 217.

The Court's informal memorandum was without prior notice or any opportunity to allow plaintiff's voice to be fully heard as to his objection to the unjust closing of this case. The reason the Court uses to close this case, as the Court says, is because plaintiff merely makes "assertions that he (1) holds a 'land patent,'" or rights therein on which his name does not appear. The court does not specify where in plaintiff's amended complaint or other filings he makes "assertions that he (1) holds a 'land patent'" but it is well-recognized that plaintiff's name does not and could not appear on the cited Lord Calvert land patent because it was issued hundreds of years before he was born.

Thus, the court is mistaken in its assertion that plaintiff could have made frivolous assertions that his name is on that "land patent" as a grantee, whereas he does assert over and over again that his name presumptively does appears on a copyright involving the same subject matter. So the court refuses to allow plaintiff to prove that his name does appear on a valid copyright on subject matter that could actually involve the same subject matter as claimed by Lord Calvert in an ancient land patent.

The action of the court in unfairly and preemptively "closing" this case with an informal memorandum without notice or an opportunity to contest that action is grossly unjust. It is completely unexpected. That surprise is contrary to even elementary reason and justice. It exceeds the court's authority and is an abuse of discretion because the court's informal memorandum of May 15, 2015 is simply wrong. It mistakenly asserts without any basis in fact, law or reference to plaintiff's filings that plaintiff could have made or did make

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS
Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS
Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS
Sync your system to PACER to automate legal marketing.