

# In the United States Court of Federal Claims

NOT FOR PUBLICATION

No. 10-753T

(Filed February 9, 2011)

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**JAMES A. WILLIAMS TRUST and  
JAMES WILLIAMS,**

Plaintiffs,

v.

**THE UNITED STATES,**

Defendant.

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## ORDER

Apparently in response to the January 25, 2011 Order to Show Cause, Mr. James Williams has submitted three documents which were received by the Clerk's Office on February 3, 2011. These documents were not filed upon receipt, because each failed to conform to our Court's rules. Two documents -- one entitled "Petition for a Writ of Alternative Mandamus" ("Petition") and the other a declaration of Mr. Williams -- were not filed for two reasons. First, the proof of service for these documents was not attached to each, but instead one certificate covering all three documents was attached to the third document, entitled "Writ of Alternative Mandamus." To avoid delays in filing and associated inconveniences, in the future plaintiff should endeavor to closely follow Rule 5.3(b) of the Rules of the United States Court of Federal Claims ("RCFC"), which requires a certificate of service attached to each copy of each document submitted for filing. The second defect, affecting all three documents submitted, was a failure to include the undersigned's name below the case number, contrary to RCFC 5.5(g). Omission of a judge's name from documents can cause delays in the receipt of these documents in Chambers, and to avoid such delays plaintiff should take care to follow RCFC 5.5(g) when making future submissions.

Although Mr. Williams appears to be confused concerning the manner in which this Court proceeds, and styled two of the documents as relating to a writ that is foreign to this Court, these three documents collectively will be treated as plaintiff's response to the Order to Show Cause. The Clerk's Office is directed to file all three documents as such, as of the date they were originally received (February 3, 2011). These documents all suffer to varying degrees from the unusual theory held by Mr. Williams that he himself has conjured a court of record and that

we merely serve the ministerial function of executing his court's decrees. Acting under this odd notion, Mr. Williams has submitted several documents using forms and titles that have not been recognized by the Clerk's Office as papers that may properly be filed in our proceedings. Lenience as to form is usually permitted *pro se* litigants but, as the Court noted in the Order to Show Cause, an entity, such as the James A. Williams Trust, must be represented by counsel. RCFC 83.1(a)(3).

In his response to the Order to Show Cause, Mr. Williams clarifies that he should himself be considered a party to the case, and requests that he be joined as the real party in interest under RCFC 17(a)(3). *See* Petition at 7-8; Declaration at 3. This request is **GRANTED** and the caption of this case has been changed accordingly. A non-attorney may represent himself and litigate his own interest in the subject matter of a lawsuit in our Court. Whether Mr. Williams has the capacity to represent the Trust, or would even need to do so since he is now a party to the case, may be addressed at a later time. For our purposes, it is enough that an individual who may represent himself is a party to this matter. As the Court's rules provide that the case should be treated as if originally commenced by Mr. Williams, *see* RCFC 17(a)(3), the Court is now in a position to consider whether any of the several documents previously submitted by Mr. Williams, but not initially filed due to failure to conform to our rules, should be filed given the leniency afforded *pro se* litigants. That question will be addressed in a separate order.

Adequate cause has been shown by Mr. Williams, now a party to the proceedings, to not dismiss this case at this time. The stay issued in the Order to Show Cause is hereby **LIFTED**, and the government shall file its response to the complaint on or by **February 16, 2011**.

**IT IS SO ORDERED.**

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**VICTOR J. WOLSKI**  
Judge