

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION

FILED

JUL 01 2024

No. 5:24-CV-00176-BO

PETER A. MOORE, JR., CLERK
US DISTRICT COURT, EDNC
BY YMO DEP CLK

MICHAEL J. FORBES,)
614 Northampton Rd.,)
Fayetteville, N.C., 28310, *pro se.*)

Plaintiff,)

v.)

MOTION TO REQUEST
EXEMPTION OF RULES

THE UNITED STATES ARMY,)
Christine E. Wormuth et al.,)
101 Army Pentagon,)
Washington, D.C., 20310)

Defendant.)

This 1st day of July 2024.

Pursuant to Fed.R.Civ.P 15., (a)(1)., states “A party may amend its pleading once as a matter of course within: 21 days after serving it, or if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.”

The USDC, Eastern District of North Carolina, Rule 15.1 states, “A party moving to amend a pleading shall attach to the motion: [t]he proposed amended pleading, duly signed, and any exhibits thereto; and [a] form of the amended pleading that indicates in what respect it differs from the pleading that it amends by bracketing or striking through text to be deleted and underlining or highlighting text to be added.”

At the onset of this Plaintiff MOTION, the Plaintiff wishes to acknowledge and apologize to the Court regarding the specificity issues in the Plaintiff’s Complaint, as indicated by the Defendant’s MOTION TO DISMISS. As a *pro se* filer; the Plaintiff did not cite Chapter and

Paragraph provisions of the Privacy Act (1974) to attach specific claims to the Defendant's behaviors throughout the Complaint. This likely caused some confusion. Almost immediately upon realization of this neophytic error, the Plaintiff began moving to remediate his error in both current, and future filings. The Plaintiff's only motive is for this controversy to mature to an amenable and quick end, which has, thus far, only grown to become a deleteriously heavy burden for all stakeholders involved. The Plaintiff is aware, after the professional nudge from the Defendant, the only means to that end is to deconflict and centralize the attention of both, the Court's external, and the Defendant's intrinsic, adjudicative contrivances. They both must be laser-focused on the merits of the allegations of unlawful actions of the Defendant, through specific agency officials, that inspired the machinations that led straight to the Plaintiff's pleading; this is where the Plaintiff meant that focus to be from the outset. Unfortunately, when his lack of acumen in complaint production and inability to find and pay for federal litigation counsel, were entwined with the statute of limitations of the Privacy Act and the significant impacts of the Defendant's separation timelines, he had to act. This is the situation that produced the result in the Complaint.

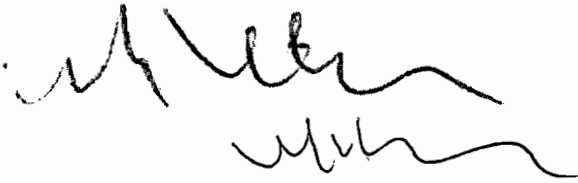
Now, the Plaintiff's *prima facie* valid claims are now clearly stated in the MEMORANDUM IN SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT [(ECF 17)] and the Plaintiff asks to Court to consider them outside the pleading. In this way every stakeholder's interests may be served in this controversy; the Plaintiff gets an opportunity for relief, any Defendant's adjudicated tasks to relieve the Plaintiff are minimalized, and the Court's time is saved.

That said, to adhere to the Rules or the Court, the Plaintiff would quickly respond and amend the pleading with the same aforementioned claims placed outside of the pleading, if it

pleases the Court, and if the court would allow waivers of Fed.R.Civ.P. 15 and Local Rule 15.1, due to a second neophytic error committed by the Plaintiff.

The Plaintiff did not realize that he spent his singular opportunity to supply a “corrected” Complaint when he immediately moved on March 27, 2024, to rectify his failure to identify a facial material error contained in the original Complaint (lines not printed on intermittent pages), on March 19, 2024. The Plaintiff concurs with the Defendant that the “corrected” Complaint on that date, contained “the same substantive allegations;” the Plaintiff contends it was not due to substantive allegation error, or an error of law, but rather the Plaintiff failed to identify the intermittent failings of his home office equipment.

The Plaintiff prays the Court will forgive the acknowledged errors, and allow for remediation to allow the merit of this case to be argued before it, by either accepting the claims outside of the pleading, or allowing a one-time waiver of the rules and a reasonable time-frame (3 working days) for Plaintiff compliance pursuant Local Rule 15.1, (a)(ii).

A handwritten signature in black ink, appearing to read 'Michael J. Forbes', with a stylized flourish underneath.

Michael J. Forbes, *pro se*