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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

**RICHARD VIETH, NORMA JEAN
VIETH, and SUSAN FUREY,**

CIVIL NO. 1:CV-01-2439

Plaintiffs

v.

**COMMONWEALTH OF
PENNSYLVANIA, et al.,**

Defendants

FILED
HARRISBURG

APR 22 2002

MARY E. D'ANDREA, CLERK
DEPUTY CLERK

ORDER

The background of this order is as follows: On April 8, 2002 the court issued an order declaring the Pennsylvania redistricting plan unconstitutional. On April 18, 2002, Tom Lingenfelter, previously a non-party to this action, filed a *pro se* "complaint in intervention." From the text of this document it appears that Mr. Lingenfelter is a candidate for congressional office who wishes that the court order that the Commonwealth of Pennsylvania conduct its statewide primaries as scheduled on May 21, 2002.

Under Federal Rule of Civil Procedure 24(c): "A person desiring to intervene shall serve a motion to intervene upon the parties as provided in Rule 5. The motion shall state the grounds therefor and shall be accompanied by a pleading setting forth the claim or defense for which intervention is sought." As a cursory matter, Mr. Lingenfelter has filed a complaint in intervention without seeking leave of court. However, given the fact that Mr. Lingenfelter is a *pro se* litigant, the court will construe his complaint as a motion to intervene. However, that motion will be denied.

Mr. Lingenfelter has provided no indication that he has served the parties to this matter. Additionally, even had he served the parties, the court would deny the motion. Mr. Lingenfelter has intervened for the sole purpose of requesting that the court declare that the Commonwealth conduct its primary elections on May 21, 2002. That matter, however, is not currently before the court. Therefore, intervention would be improper.

Accordingly, **IT IS HEREBY ORDERED THAT** Intervenor Tom Lingenfelter's complaint in intervention is construed by the court as a motion to intervene pursuant to Rule 24 and is **DENIED**.


SYLVIA H. RAMBO
United States District Judge

Dated: April 22, 2002.

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

April 22, 2002

Re: 1:01-cv-02439 Vieth v. Commonwealth of PA

True and correct copies of the attached were mailed by the clerk
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cc:

- Judge ()
- Magistrate Judge ()
- U.S. Marshal ()
- Probation ()
- U.S. Attorney ()
- Atty. for Deft. ()
- Defendant ()
- Warden ()
- Bureau of Prisons ()
- Ct Reporter ()
- Ctroom Deputy ()
- Orig-Security ()
- Federal Public Defender ()
- Summons Issued ()
- Standard Order 93-5 ()
- Order to Show Cause ()
- Bankruptcy Court ()
- Other _____ ()

Faxed Nygaard
John

- () Pro Se Law Clerk
- () INS
- () Jury Clerk

() with N/C attached to complt. and served by:
U.S. Marshal () Pltf's Attorney ()

() with Petition attached & mailed certified mail
to: US Atty Gen () PA Atty Gen ()
DA of County () Respondents ()

MARY E. D'ANDREA, Clerk

DATE: 4/22/02

BY: 
Deputy Clerk