

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

BRYAN ANTHONY REO,

Plaintiff,

v.

MARTIN LINDSTEDT,

Defendant.

Case No. 1:19-cv-02589-CAB

Hon. Christopher A. Boyko

Mag. Thomas A. Parker

**THIRD-PARTY DEFENDANT KYLE J. BRISTOW'S ANSWER TO MARTIN
LINDSTEDT'S OBJECTION AND REQUEST FOR MARTIN LINDSTEDT TO BE
REQUIRED TO POST \$2,500 SECURITY FOR COSTS PRIOR TO FURTHER
MOTION PRACTICE TO PREVENT FURTHER VEXATIOUS CONDUCT**

(ORAL ARGUMENT NOT REQUESTED)

NOW COMES Kyle J. Bristow ("Bristow"), *pro se*, and hereby propounds Third-Party Defendant Kyle J. Bristow's Answer to Martin Lindstedt's Objection and Request for Martin Lindstedt to be Required to Post \$2,500 Security for Costs Prior to Further Motion Practice to Prevent Further Vexatious Conduct upon Martin Lindstedt ("Lindstedt"), the other parties to the instant civil action, and this Honorable Court:

ANSWER TO OBJECTION

I. PROCEDURAL AND FACTUAL HISTORY

On March 17, 2020, Bristow filed Third-Party Defendant Kyle J. Bristow's Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(B)(2) and Fed. R. Civ. P. 12(B)(6). (ECF No. 25, PageID. 218-240).

On August 12, 2020, Magistrate Judge Thomas M. Parker (“Mag. Parker”) issued his Report and Recommendation which pertinently provides that Bristow’s Motion should be granted under Fed. R. Civ. P. 12(b)(2). (ECF No. 53, PageID. 489-503).

On August 26, 2020, Lindstedt filed Lindstedt’s Objection to Mag. Parker’s August 12, 2020, Recommendation. (ECF No. 63, PageID. 592-601).

On March 23, 2021, the Court issued its Opinion and Order which overruled Lindstedt’s Objection and dismissed Bristow from the instant civil action under Fed. R. Civ. P. 12(b)(2). (ECF No. 90, PageID. 965-975).

On April 20, 2021, Lindstedt filed a Motion for Relief from the Court’s March 23, 2021, Opinion and Order. (ECF No. 97, PageID. 1025-1037).

On May 28, 2021, Mag. Parker issued his Recommendation which recommends that Lindstedt be denied the relief Lindstedt requested. (ECF No. 110, PageID. 1137-1141).

On June 11, 2021, Lindstedt filed Lindstedt’s Objection to Mag. Parker’s May 28, 2021, Recommendation. (ECF No. 112, PageID. 1149-1165).

II. LAW & ARGUMENT

The Court should adopt Mag. Parker’s May 28, 2021, Recommendation in its entirety.

A district court reviews any objections to a magistrate judge’s report and recommendation *de novo*. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3); Local Rule 72.3(b). A district court need only review the magistrate judge’s factual or legal conclusions that are specifically objected to by either party. *Thomas v. Arn*, 474 U.S. 141, 150 (1985). “[O]bjections disput[ing] the correctness of the magistrate’s recommendation but fail[ing] to specify the findings * * * believed [to be] in error’ are too general.” *Spencer v. Bouchard*, 449 F.3d 721, 725 (6th Cir. 2006) (quoting *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995)). Thus, if a party fails to file specific objections,

then the failure to do so constitutes a waiver of those objections. *Cowherd v. Million*, 380 F.3d 909, 912 (6th Cir. 2004).

Nothing in Lindstedt’s Objection contains a coherent—much less meritorious—argument as to why the Court can and should exercise personal jurisdiction over Bristow. As such, Lindstedt’s Objection should be overruled and the Court should adopt Mag. Parker’s May 28, 2021, Recommendation in its entirety.

**REQUEST FOR MARTIN LINDSTEDT TO BE REQUIRED TO POST \$2,500
SECURITY FOR COSTS PRIOR TO FURTHER MOTION PRACTICE TO PREVENT
FURTHER VEXATIOUS CONDUCT**

I. PROCEDURAL AND FACTUAL HISTORY

Lindstedt is wasting Bristow’s time and is acting in a manner which is offensive to judicial economy by filing frivolous—and morally repugnant—court filings. For the reasons that follow, the Court can and should exercise its inherent power by requiring Lindstedt to provide \$2,500.00 security for costs before Lindstedt is allowed to file another motion.

The Court can and should take judicial notice of its record which is replete with vile, violent, vulgar, and despicable statements made by Lindstedt about Bristow, other parties—most of whom have been dismissed after filing successful Fed. R. Civ. P. 12(b) motions—, and the Court. The Court’s attention is also directed to *Anthony Domenic Reo v. Martin Lindstedt*, Case No. 1:19-cv-02615-JRA, ECF No. 49, PageID. 641-642 (May 26, 2021), which is an Order issued by Judge John Adams which struck from the record—and ordered the Court Clerk to seal—two of Lindstedt’s recent filings for that case in which Lindstedt used wildly offensive language (i.e., “O! Niggerlips,” “whiggers,” “faggots”) before slurring Judge Solomon as a “negro-jew” and Hon. John R. Adams as a “hibernigger” who is a “black-robed baal-priest”—and inviting said judge to

“lick Pastor Lindstedt’s asshole and butt-crack entirely free of dried shit tangled in His [sic] asshole hairs.”).

Enough is enough. Bristow is an officer of the court, and Judge Solomon, Judge Adams, and Judge Boyko are Article III judges—appointed by the president of the United States of America and confirmed by the United States Senate. The Court must act to protect Bristow, the dignity of the Court, and the honor of the legal system from the likes of Lindstedt. How many more hours of judicial resources must be wasted because Lindstedt has a penchant for filing unhinged and offensive ramblings which should directly and proximately result only in him being ordered to show cause as to why he should not be held in criminal contempt of court and jailed?

Lindstedt will just keep filing motion for reconsiderations and objections into perpetuity—unless the Court decisively acts to defend itself and the innocent third-parties to the instant civil action.

II. LAW & ARGUMENT

The Court enjoys the inherent power to require a party to post security as costs before engaging in motion practice. Said power should now be exercised by this Court.

Security for costs is not covered by Rule 54(d) and there is no general jurisprudential rule covering the subject. As a procedural matter, security for costs is a proper subject for regulation by local rules promulgated under FED. R. CIV. P. 83. Even in the absence of a local rule, however, a district court has inherent power to require security for costs when warranted by the circumstances of the case. “From this it follows that the court is vested with a large measure of discretion in applying such rules as it does promulgate.”

Ehm v. Amtrak Bd. of Directors, 780 F.2d 517 (5th Cir. 1986) (affirming requirement of bond in case involving “a veteran pro se litigator who has filed numerous lawsuits, many of which have been repetitious or of doubtful legal merit”), quoting *Hawes v. Club Ecuestre El Comandante*, 535 F.2d 140, 143-44 (1st Cir. 1976).

A long line of cases shows federal courts in many jurisdictions have ordered security to be posted for potential costs and attorney's fees that may be awarded at the end of the action. *See, e.g., Cohen v. Beneficial Indus. Loan Corp.*, 69 S.Ct. 1221, 1230 (1949) (affirming a federal court's application of a state statute requiring security for costs as a condition of further prosecution of suit); *Atlantic Fertilizer and Chem. Corp. v. Italmare, S.P.A.*, 117 F.3d 266 (5th Cir. 1997) (citing *Cohen* and holding district court's denial of defendant's motion to require plaintiff to post security was immediately appealable); *Van Bui v. Children's Hosp.*, 178 F.R.D. 54, 56 (E.D.Pa. 1998) (dismissing plaintiff's complaint for failure to file security for costs), *aff'd*, 178 F.R.D. 1278 (3d Cir. 1999); *Selletti v. Carey*, 173 F.R.D. 104, 112 (2d Cir. 1999) (discussing whether plaintiff's inability to post security warrants dismissal); *Johnson v. Kassovitz*, 1998 WL 655534, *2 (S.D.N.Y. 1998) (ordering plaintiff to post \$50,000 bond as security for costs).

The Court should require Lindstedt to post \$2,500 security as costs prior to Lindstedt being allowed to file any more *pro se* motions of any kind with the Court. A standing order should also be entered which strikes from the record any future motion Lindstedt files without first providing said security.

WHEREFORE, Bristow prays that this Honorable Court will adopt Mag. Parker's Recommendation and will order Lindstedt to post \$2,500.00 security as costs prior to Lindstedt filing any further motions—and that any and all motions Lindstedt files without first posting \$2,500.00 security as costs be summarily stricken from the record.

Respectfully submitted,

BRISTOW LAW, PLLC

/s/ Kyle J. Bristow

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Pro se Third-Party Defendant

Dated: June 14, 2021

CERTIFICATE OF SERVICE

I, Kyle J. Bristow, affirm that I am a *pro se* party of the above-captioned civil action, and on June 14, 2021, I electronically filed this document with the Clerk of the Court by using the Court's Electronic Filing System, which should serve notification of said filing to all attorneys of record who are registered to receive such electronic service.

Furthermore, I affirm that on June 14, 2021, I place a true and accurate copy of this document in the United States Mail located in City of Mt. Clemens, Macomb County, State of Michigan, which was addressed to Martin Lindstedt, 338 Rabbit Track Road, Granby, MO 64844.

/s/ Kyle J. Bristow
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Dated: June 14, 2021