

Terry Lee Torres  
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Pro Se Plaintiff

March 21, 2026

The Honorable Robert Kirsch  
United States District Judge  
District of New Jersey  
Clarkson S. Fisher Building & U.S. Courthouse  
402 East State Street  
Trenton, New Jersey 08608

Re: *Torres v. Squires*, No. 3:26-cv-01795-RK-RLS  
Notice of Voluntary Dismissal Without Prejudice Pursuant to Federal Rule of Civil Procedure  
41(a)(1)(A)(i)

Dear Judge Kirsch:

**I. VOLUNTARY DISMISSAL WITHOUT PREJUDICE.**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiff Terry Lee Torres hereby voluntarily dismisses this action without prejudice. Defendant has not served an answer or a motion for summary judgment. This dismissal is effective upon filing and requires no court order.

This dismissal is without prejudice to all claims, all counts, all legal theories, all factual allegations, and all evidentiary records developed in this proceeding. Every right, claim, and remedy is expressly preserved. Plaintiff intends to refile this action.

**II. THE CIRCUMSTANCES COMPELLING THIS DISMISSAL.**

Plaintiff does not dismiss because the claims lack merit. The record before this Court — built over three months across five contacts with the USPTO, four named employees on recorded lines, a Patent Center screenshot documenting three simultaneous facts from the government's own system, a preservation demand sent three days before filing, and five independent grounds excusing exhaustion each established by the government's own employees — is not a weak case. Plaintiff dismisses for a different reason.

On March 19, 2026, Plaintiff received electronic notification that his letter to this Court had been docketed, bearing FileNumber 20508320-0, at 9:23 AM. Plaintiff subsequently received notification that the Court's Letter Order, bearing a signature date of March 18, 2026, had been docketed bearing FileNumber 20508409-0, at 9:34 AM. This Court's own published filing policy states that the date the Clerk's Office receives a document submitted through ADS is considered the date of filing. File numbers in this Court's electronic system are assigned automatically and sequentially upon receipt. The order bearing a signature date of March 18, 2026 did not enter this Court's electronic filing system until March 19, 2026, eleven minutes after Plaintiff's letter had already done so. Upon observing these sequential file numbers — reflecting the order in which documents entered this Court's fully electronic filing system on March 19, 2026 — and having awaited judicial intervention on two pending emergency motions for 24 days without ruling, Plaintiff determined that he could not rely on timely judicial protection of his property right and proceeded to secure that right by making payment directly to the USPTO.

Plaintiff further notes the following facts, each independently documented on this Court's docket, and states them for the record without characterization.

On February 25, 2026 — the day this action was filed — this Court took it upon itself to notify Defendant of these proceedings without request and prior to any formal service of process. Defendant had not appeared. No rule required this notification. On March 18, 2026, Defendant's request for a seven-day extension was granted the same day it was filed. Plaintiff's Motion for Temporary Restraining Order has been pending for 24 days without ruling. Plaintiff's Motion for Expedited Discovery and Preservation Order — including a preservation request for evidence subject to automatic government retention schedules — has been pending for 24 days without

ruling. Plaintiff's request, made in his March 19, 2026 response, that this Court direct a ruling on the pending TRO no later than April 1, 2026, was never addressed. Plaintiff states these facts for the record without characterization.

A Temporary Restraining Order under Federal Rule of Civil Procedure 65(b) may issue without notice to the adverse party upon a showing of immediate irreversible harm. The irreversible deadline was documented on the face of Plaintiff's filing. No defendant engagement is required — or contemplated by the rule — before a court acts on a TRO motion. In practical effect, this Court converted Plaintiff's emergency motions into non-emergency motions by extending to Defendant procedural courtesies that Rule 65(b) neither requires nor contemplates, while the irreversible deadlines those motions were filed to address continued to run.

Plaintiff makes no accusation. Plaintiff states documented facts from this Court's own electronic filing system, this Court's own published filing policy, this Court's own docket, and the Federal Rules of Civil Procedure. Upon observing these facts in their totality, Plaintiff concluded that he could not rely on this forum to protect his property right in the time that remained. Plaintiff therefore secured that right by making payment directly to the USPTO, and now removes this matter from this Court's jurisdiction by voluntary dismissal.

Plaintiff further notes that the pending motion for expedited discovery — including a preservation order request for evidence subject to routine government retention schedules — has remained unsigned for 24 days. The evidence targeted by that motion, including specifically the outbound callback from USPTO Lead Paralegal Specialist Michele Eason on or about November 10, 2025, in which she stated she had been instructed not to help Plaintiff, may be subject to automatic deletion under standard government retention schedules. The failure to issue the preservation order during the 24-day pendency of that motion is documented on this record.

### **III. PAYMENT UNDER PROTEST.**

Simultaneously with this dismissal, Plaintiff provides notice that the \$4,122 penalty assessed against Application No. 18/973,067 will be submitted to the USPTO within 72 hours, or as soon as the required forms can be properly completed and submitted, whichever is sooner. This

payment is made involuntarily, under protest, and under economic duress, solely to prevent the permanent and irreversible abandonment of Application No. 18/973,067 on April 2, 2026.

The payment does not constitute admission of the penalty's validity. It does not waive any claim. It is the unconstitutional condition the Supreme Court identified in *Frost v. Railroad Commission*, 271 U.S. 583 (1926): a party forced to choose between preserving a property right and challenging an unlawful government action. Plaintiff has been forced to make that choice. The payment is its documented result. To raise the funds required for this payment, Plaintiff surrendered a significant equity interest in the technology underlying Application No. 18/973,067 to a private investor. That equity interest was surrendered under economic duress directly caused by the government's unlawful conduct. The causal chain is documented. The damages are preserved.

#### **IV. ALL CLAIMS AND ALL EVIDENCE ARE PRESERVED.**

This dismissal without prejudice preserves all claims asserted in the Verified Complaint including but not limited to: the arbitrary and capricious penalty challenge under the APA; the ultra vires prosecution suspension; the Fifth Amendment deprivation of meaningful opportunity to respond; the pattern and practice of systematic constitutional violations across the show cause program; and the equity damages claim arising from the compelled equity transfer documented herein. The statute of limitations on these claims extends well beyond the date of this dismissal. All recordings, transcripts, documentary evidence, and docket entries developed in this proceeding are preserved. Plaintiff is in possession of additional recordings documenting the institutional blackout policy operating across multiple USPTO offices on multiple dates. Those recordings have not been disclosed in this proceeding. They are preserved and will be produced or introduced in the refiled action. The evidentiary record is larger than what has been filed in this Court.

#### **V. PLAINTIFF'S INTENTION TO REFILE.**

Plaintiff states unequivocally and for the permanent record of this proceeding: this dismissal is not a concession. It is not an abandonment of these claims. It is not an acknowledgment that the

government's conduct was lawful. It is not an acknowledgment that the administrative remedy was adequate. It is not an acknowledgment that the penalty was valid.

Plaintiff will refile this action. The refiled complaint will assert every claim preserved by this dismissal. It will incorporate the complete evidentiary record developed in this proceeding. It will include evidence not disclosed in this proceeding. It will be filed in a forum that Plaintiff selects at a time of Plaintiff's choosing, when the evidentiary record is most complete and the damages most fully documented.

The institutional blackout documented in this record — confirmed by named USPTO employees on recorded lines across multiple offices — affected every applicant who contacted the agency during show cause proceedings without a recording device. The refiled action will address that record in its full scope. The government's liability for the conduct documented in this proceeding does not diminish because this action is dismissed. It waits.

Respectfully submitted,

/s/ Terry Lee Torres  
Terry Lee Torres  
Pro Se Plaintiff  
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tlt5139@yahoo.com

Consistent with Plaintiff's practice of maintaining a publicly accessible record of these proceedings at <https://www.uspto.news>, this notice will be added to that repository upon filing with the Court

## **CERTIFICATE OF SERVICE**

I hereby certify that on March 21, 2026, a copy of this notice was served upon counsel for Defendant by the following means:

By electronic mail addressed to Mr. Junis L. Baldon, Assistant United States Attorney, at [junis.baldon2@usdoj.gov](mailto:junis.baldon2@usdoj.gov); and

By certified mail, return receipt requested, addressed to:

Junis L. Baldon  
Assistant United States Attorney  
402 East State Street, Room 430  
Trenton, New Jersey 08608

/s/ Terry Lee Torres  
Terry Lee Torres  
Pro Se Plaintiff