
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

MILAN MICHAEL KOTEVSKI,

Plaintiff,

v.

JUDGE JOHN WALTON, et al.,

Defendants.

**ORDER ADOPTING
RECOMMENDATION, DISMISSING
ACTION, AND IMPOSING FILING
RESTRICTIONS**

Case No. 4:25-cv-00086-AMA-PK

District Judge Ann Marie McIff Allen

Magistrate Judge Paul Kohler

Before the Court is the Report and Recommendation issued by United States Magistrate Judge Paul Kohler on July 25, 2025, recommending this action be dismissed because Plaintiff Milan Michael Kotevski has refused to pay a filing fee, or seek and obtain leave to proceed in forma pauperis under 28 U.S.C. § 1915. Judge Kohler also recommends the Court impose filing restrictions on Mr. Kotevski based on his history of filing abusive litigation.¹

The parties were notified of their right to file objections to the Report and Recommendation within fourteen days of service.² Mr. Kotevski filed a document on July 26 that the Court interprets as an objection to Judge Kohler’s Report and Recommendation.³ “De novo review is required after a party makes timely written objections to a magistrate’s report.” *Northington v. Marin*, 102 F.3d 1564, 1570 (10th Cir. 1996); *see* 28 U.S.C. § 636(b)(1) (“A

¹ *See* R. & R., ECF No. 21.

² *See id.* at 6.

³ The filing is captioned as a filing before the Tenth Circuit and styled as seeking a “Writ of Procedendo” among others, *see* ECF No. 22.

judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.”).

In his objection, Mr. Kotevski challenges several of Magistrate Judge Kohler’s statements.⁴ The statements most critical to the Court’s evaluation of the recommended dismissal are those regarding Mr. Kotevski’s purported refusal to pay the filing fee. In summary, Mr. Kotevski asserts he did not pay a filing fee because he has no money available to him.⁵ Yet Mr. Kotevski has never requested leave to proceed in forma pauperis, which ordinarily might allow him to proceed without paying a fee. This appears to be more than mere oversight because Mr. Kotevski states he believes that, through the in forma pauperis process, the Court is “engaging in abusive behavior to trap [Mr. Kotevski] in a perjury trap . . . because the natural and probable consequence of [Mr. Kotevski] lying about his current finances as it relates to major claims would make it extremely prejudicial to [him].”⁶ Accordingly, it appears that Mr. Kotevski doubts whether he can truthfully submit an adequate application to proceed in forma pauperis. Given the requisite fee has not been paid, and no application to proceed in forma pauperis has been filed, the Court concludes that this action should be dismissed for failure to pay the filing fee required by 28 U.S.C. § 1914 or to seek and obtain leave to proceed in forma pauperis under 28 U.S.C. § 1915.

Next, Mr. Kotevski challenges several statements underpinning Judge Kohler’s recommendation that the Court impose filing restrictions on Mr. Kotevski. While the majority of

⁴ See ECF No. 22 at 13–26.

⁵ E.g., ECF No. 22 at 14.

⁶ ECF No. 22 at 18.

these arguments raise superficially deficient issues,⁷ Mr. Kotevski challenges the factual basis in the record for Judge Kohler’s statement that Mr. Kotevski “has a history of abusive phone calls to the Clerk’s Office and has sent threatening emails.”⁸ The Court does not find a record of these phone calls or statements in the docket.⁹ Nonetheless, even setting this statement aside and conducting a de novo review, the Court finds that filing restrictions are warranted in any future case Mr. Kotevski files pro se and without paying a filing fee, or filing an application to proceed in forma pauperis. He has repeatedly refused to pay a filing fee, in this District and elsewhere, while making numerous filings alleging wide-ranging conspiracies with little factual underpinning and ignoring orders requiring payment of a filing fee or an application to proceed in forma pauperis.¹⁰

⁷ For example, Mr. Kotevski asks rhetorically about the cases Judge Kohler cites to support the conclusion that Mr. Kotevski “has a lengthy history of abusive litigation.” ECF No. 22 at 20. Review of the Report and Recommendation reveals that Judge Kohler cited cases Mr. Kotevski pursued in the District of Utah before Judge Stewart, as well as cases in the Northern District of Illinois, Middle District of Iowa, as well as the Fifth, Seventh, and Tenth Circuits. *See* ECF No. 21 at 3–4. Judge Kohler also remarked on Mr. Kotevski’s refusal to pay filing fees in other cases.

⁸ ECF No. 22 at 27.

⁹ The Court notes that Plaintiff’s rhetorical questions about hypothetical interactions with the Clerk’s Office contain language that, if uttered, is abusive and otherwise inappropriate when dealing with Court personnel. *See e.g. id.* (“Feelings that Clerk’s Office employees had that made them feel bad or stupid for violating the law which they should have [sic] or the actual illegality of the employees of the Clerk’s Office?”). Additionally, Mr. Kotevski appears in videos on YouTube in which he engages in prolonged discussions with the Clerk’s Office and uses profanity. *See* ECF No. 24 at 33 (containing photograph of Mr. Kotevski); Miki Kotevski, Contacting Clerk’s Office, US District Court of Utah, YouTube, Jul. 1, 2025, <https://www.youtube.com/watch?v=wfb2KhCjreU> (last visited September 10, 2025). Again, the Court does not consider this as a basis for imposing filing restrictions. Rather, the Court notes for the record a possible basis for Judge Kohler’s statements.

¹⁰ *See* ECF No. 21 at 3–4, and cases cited therein.

Based on the foregoing, having reviewed all relevant materials, including a de novo review of the reasoning set forth in the Magistrate Judge's Report and Recommendation, the Court overrules Mr. Kotevski's objections and adopts the recommendation, finding that, irrespective of Mr. Kotevski's ability to pay a filing fee, Mr. Kotevski has steadfastly refused to request leave to proceed in forma pauperis. Additionally, given Mr. Kotevski's litigation history in this District, the Tenth Circuit, and elsewhere, he should be subject to filing restrictions. Accordingly, the Court concludes, on de novo review, that this action should be dismissed and Mr. Kotevski's future pro se filings should be restricted.

ORDER

Based on the foregoing, the Court:

ADOPTS the Report and Recommendation (ECF No. 21) and DISMISSES Plaintiff's action; and

FURTHER ORDERS Plaintiff Milan Michael Kotevski's future filings with this Court in any matter in which he proceeds pro se and without paying a filing fee, or requesting leave to proceed in forma pauperis, shall be subject to the following restrictions:

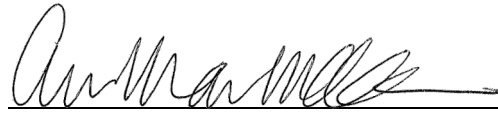
1. Any new civil complaint Mr. Kotevski submits to this court will be collected by the Clerk of the Court and sent to a Magistrate Judge for review.

2. The Magistrate Judge will then review the complaint to determine whether it is meritorious and should be filed, or whether it is meritless, duplicative, or frivolous.

3. If the Magistrate Judge determines that the complaint is meritless, duplicative, or frivolous, the Magistrate Judge will forward the complaint to the Chief District Judge for further review.

4. Only with the Chief District Judge's consent will the complaint be filed.
5. Mr. Kotevski's pleadings must be certified as provided in Fed. R. Civ. P. 11.

DATED this 17th day of September 2025. By the Court:

A handwritten signature in black ink, appearing to read "Ann Marie McIff Allen", written over a horizontal line.

Ann Marie McIff Allen
United States District Judge