

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Kevin D. Marlowe v. Isabella Casillas Guzman, et al.

Marlowe · No. 1:22-CV-1003 · Decided January 14, 2026

SUMMARY

The United States District Court for the Middle District of Pennsylvania adopted a magistrate judge’s Report and Recommendation and dismissed Kevin D. Marlowe’s action without prejudice as moot. The court held that Marlowe’s Paycheck Protection Program loans had been forgiven and related debarments removed, leaving no ongoing controversy, and rejected his requests concerning court costs and reinstatement of former Senator Patrick Toomey as a defendant.

CASE DETAILS

COURT	United States District Court for the Middle District of Pennsylvania
WRITING FOR THE COURT	Keli M. Neary
JURISDICTION	United States District Court for the Middle District of Pennsylvania
DECIDED	January 14, 2026
DOCKET	1:22-CV-1003
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff objected to a magistrate judge's Report and Recommendation recommending dismissal without prejudice as moot. The district court reviewed the objections de novo and adopted the Report and Recommendation.
STANDARD OF REVIEW	De novo review of the magistrate judge's Report and Recommendation under 28 U.S.C. § 636(b)(1).
PRECEDENTIAL VALUE	unpublished district court memorandum; nonprecedential

TOPICS

- subject matter jurisdiction
- administrative procedure act
- federal spending
- remedies
- civil procedure

PRACTICE AREAS

- Civil procedure
- Administrative law
- Federal spending
- Remedies

QUESTIONS PRESENTED

1. Whether the action became moot after Marlowe received forgiveness of his PPP loans and removal of the related debarments.
2. Whether Marlowe's requests for waiver or payment of court costs and fees preserved a live controversy.
3. Whether Senator Toomey should be reinstated as a defendant based on alleged violations of criminal statutes.

HOLDINGS

1. The case was moot because Marlowe had received forgiveness of his PPP loans and removal of his debarments, and no ongoing or threatened injury remained for the court to remedy.
2. Marlowe's demand for a waiver or payment of court costs and fees did not preserve a live controversy or prevent dismissal as moot.
3. Senator Toomey would not be reinstated because criminal statutes generally do not create a private right of action.

KEY QUOTATIONS

“When there is no ongoing or threatened injury that the court can remedy, neither a request for attorneys’ fees and costs nor a request for declaratory relief can stave off mootness.” (822 F. App'x at 66-67)

“We have been quite reluctant to infer a private right of action from a criminal prohibition alone.” (511 U.S. at 190)

FACTUAL BACKGROUND

The Small Business Administration initially denied Marlowe's request for forgiveness of a Paycheck Protection Program loan. He also sought relief against then-Senator Patrick Toomey for allegedly failing to assist him. While the action was pending, Marlowe's loans were forgiven and the related debarments were removed, leaving only his requests concerning court costs and reinstatement of Toomey.

PROCEDURAL HISTORY

Marlowe sued federal officials after the Small Business Administration denied forgiveness of his Paycheck Protection Program loan and sought loan forgiveness, removal of resulting debarments, a letter from Senator Patrick Toomey, and court costs. The claims against Senator Toomey had previously been dismissed with prejudice. After Marlowe's loans were forgiven and his debarments removed, Magistrate Judge Phillip J. Caraballo recommended dismissal without prejudice as moot. The district court overruled or rejected the objections, adopted the recommendation, and dismissed the case without prejudice.

DISPOSITION

dismissed

CASES CITED

- E.E.O.C. v. City of Long Branch, 866 F.3d 93, 99 (3d Cir. 2017)
- Brown v. City of Philadelphia Office of Human Resources, 735 F. App'x 55, 56-57 (3d Cir. 2018)
- Central Bank of Denver, N.A. v. First Interstate Bank of Denver, N.A., 511 U.S. 164, 190 (1994)
- Alpha Painting & Construction Co., Inc. v. Delaware River Port Authority of Pennsylvania and New Jersey, 822 F. App'x 61, 66-67 (3d Cir. 2020)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA KEVIN D. MARLOWE,: CIVIL ACTION NO. 1:22-CV-1003 Plaintiff: (Judge Neary) v.: ISABELLA CASILLAS GUZMAN,: et al.,: Defendants: MEMORANDUM Presently before the court is a Report and Recommendation (“R&R”) (Doc. 94) of Magistrate Judge Phillip J. Caraballo recommending this case be dismissed without prejudice as moot.

Plaintiff Kevin D. Marlowe, proceeding pro se, filed timely objections to the R&R. (Doc. 95). As such, this court must review Judge Caraballo’s R&R de novo. E.E.O.C. v. City of Long Branch, 866 F.3d 93, 99 (3d Cir. 2017) (quoting 28 U.S.C. § 636(b)(1)). Marlowe commenced this action after the Small Business Administration (“SBA”) denied his request of forgiveness for a Paycheck Protection Program (“PPP”) loan.

(Doc. 1 at 1). He also brought suit against then-Senator Patrick Toomey for failing to adequately help him in his quest to get his PPP loan forgiven. (Id. at 19). Marlowe’s requested relief was full forgiveness of his PPP loans, removal of debarments which occurred as a result of his request for forgiveness being denied, a letter from Senator Toomey, and the payment of all court costs.

(Id.). The claims against Senator Toomey were dismissed with prejudice by a prior order of the court. (Doc. 90). Since then, Marlowe’s loans have been forgiven and his debarments removed. (See Doc. 94 at 4). In his objections, Marlowe does not deny that he received this relief. (See generally, Doc. 95). Rather, the thrust of his objections is that he still must pay court costs and that Senator Toomey was wrongfully dismissed from this case.

(Id. at 2-7). As to the latter, the dismissal of Senator Toomey was not part of Judge Caraballo’s R&R and so that decision is not subject to de novo review. Moreover, Marlowe argues Senator Toomey violated several criminal statutes and that is why he should be reinstated as a party to this case. (Id. at 6). Yet, it is well- settled law that criminal statutes generally do not create a private right of action.

Brown v. City of Philadelphia Off. of Hum. Res., 735 F. App’x 55, 56-57 (3d Cir. 2018) (nonprecedential); see also Cent. Bank of Denver, N.A. v. First Interstate Bank of Denver, N.A., 511 U.S. 164, 190 (1994) (“We have been quite reluctant to infer a private right of action from a criminal prohibition alone.”).

Therefore, in addition to what this court has already found, (Doc. 89), there is no reason to reinstate Senator Toomey in this action. As to costs in general, Marlowe argues it is unfair for him to foot the bill for vindicating his rights.

However, he cites no authority allowing this court to award him costs. (Doc. 95 at 2-5). Additionally, “[w]hen there is no ongoing or threatened injury that the court can remedy, neither a request for attorneys’ fees and costs nor a request for declaratory relief can stave off mootness.” *Alpha Painting & Constr. Co., Inc. v. Del. River Port Auth. of Pa. N.J.*, 822 F. App’x 61, 66-67 (3d Cir.

2020) (citations omitted) (nonprecedential). Thus, Marlowe’s demand for a waiver of costs and fees does not create a live controversy where none otherwise exists, and Judge Caraballo is correct that this case is moot. Senator Toomey has been dismissed from this case and Marlowe has received the other relief he requested in his complaint. (See Doc. 1 at 19).

Marlowe’s case is therefore moot, and he fails to identify any statute or case supporting his position that he is due costs. Judge Caraballo’s R&R shall therefore be adopted, and this case shall be dismissed without prejudice as moot. An appropriate order shall issue. /S/ KELI M. NEARY
Keli M. Neary United States District Judge Middle District of Pennsylvania January 14th, 2026