

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PRECEDENTIAL VALUE	unpublished district court memorandum; nonprecedential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)

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