

FILED: August 20, 2018

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-1309
(3:18-cv-00024-RJC-DSC)

RODERICK JERMAINE HALL

Plaintiff - Appellant

v.

SPRINT CORPORATION, d/b/a Sprint

Defendant - Appellee

O R D E R

The court denies the petition for rehearing and rehearing en banc. No judge requested a poll under Fed. R. App. P. 35 on the petition for rehearing en banc.

Entered at the direction of the panel: Judge Motz, Judge Traxler, and Judge Diaz.

For the Court

/s/ Patricia S. Connor, Clerk

UNPUBLISHED**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 18-1309

RODERICK JERMAINE HALL,

Plaintiff - Appellant,

v.

SPRINT CORPORATION, d/b/a Sprint,

Defendant - Appellee.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Robert J. Conrad, Jr., District Judge. (3:18-cv-00024-RJC-DSC)

Submitted: July 10, 2018

Decided: July 19, 2018

Before MOTZ, TRAXLER, and DIAZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Roderick Jermaine Hall, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Roderick Jermaine Hall appeals the district court's order dismissing his civil action under 28 U.S.C. § 1915(e)(2)(B)(i), (ii) (2012). On appeal, we confine our review to the issues raised in the Appellant's brief. *See* 4th Cir. R. 34(b). Because Hall's informal brief does not challenge the bases for the district court's disposition, Hall has forfeited appellate review of the court's order. *See Jackson v. Lightsey*, 775 F.3d 170, 177 (4th Cir. 2014) ("The informal brief is an important document; under Fourth Circuit rules, our review is limited to issues preserved in that brief."). Accordingly, we affirm the district court's judgment. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

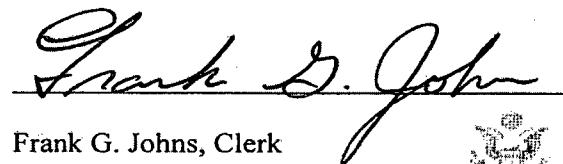
United States District Court
Western District of North Carolina
Charlotte Division

Roderick Jermaine Hall,)	JUDGMENT IN CASE
)	
Plaintiff(s),)	3:18-cv-00024-RJC-DSC
)	
vs.)	
)	
Sprint Corporation,)	
Defendant(s).)	

DECISION BY COURT. This action having come before the Court and a decision having been rendered;

IT IS ORDERED AND ADJUDGED that Judgment is hereby entered in accordance with the Court's February 21, 2018 Order.

February 22, 2018



Frank G. Johns, Clerk
United States District Court



UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:18-cv-24-RJC-DCK

RODERICK JERMAINE HALL,)
)
)
 Plaintiff,)
 v.)
)
 SPRINT CORPORATION,)
)
)
 Defendant.)
)
 ORDER

THIS MATTER is before the Court on Plaintiff's Motion to Proceed in Forma Pauperis, (Doc. No. 2). See 28 U.S.C. § 1915(e).

In addition to reviewing Plaintiff's motion to proceed in forma pauperis, the Court must examine the Complaint to determine whether this Court has jurisdiction and to ensure that the action is not (1) frivolous or malicious; (2) that the complaint fails to state a claim upon which relief may be granted; or (3) that Plaintiff is seeking monetary damages from a defendant who is immune from such relief. See 28 U.S.C. § 1915(e)(2)(B); see also Michau v. Charleston Cnty., S.C., 434 F.3d 725, 728 (4th Cir. 2006) (noting that § 1915(e) "governs IFP filings in addition to complaints filed by prisoners . . ."). A complaint is deemed frivolous "where it lacks an arguable basis either in law or in fact." Neitzke v. Williams, 490 U.S. 319, 325 (1989). While the pro se complaint must be construed liberally, the Court may "pierce the veil of the complaint's factual allegations and dismiss those claims whose factual contentions are clearly baseless," including those claims that describe "fantastic or delusional scenarios." Neitzke, 490 U.S. at 327.

Pro se Plaintiff Roderick Jermaine Hall, a North Carolina resident, filed this action on January 16, 2018, naming as the sole Defendant the Sprint Corporation, for which Plaintiff has

provided a Kansas address. Plaintiff asserts that this Court's subject matter jurisdiction is based on diversity of citizenship, pursuant to 28 U.S.C. § 1332.

Plaintiff's only allegations in his Complaint are that "Sprint fail[ed] to disclose information inside their arbitration agreement about network capable for Apple I-Phone 7 plus. [“Cellular data connections are not available during phone calls.”]. (Doc. No. 1 at 4). Plaintiff also cites to various federal statutory provisions in his Complaint, including the Clayton Act, 15 U.S.C. § 12 et seq., which sets forth anti-trust laws.

To satisfy diversity jurisdiction, a plaintiff must meet two separate requirements. First, the dispute must be between "citizens of different States." 28 U.S.C. § 1332(a)(1). Second, the amount in controversy must exceed \$75,000. Id. § 1332(a). Here, Plaintiff does not allege any facts showing that the amount in controversy exceeds \$75,000. In the section regarding amount in controversy, Plaintiff states merely, "15 USC 12, 15 USC 1, injunction consumer redress 15 USC 4." Accordingly, Plaintiff has failed to plead facts to support the exercise of the court's diversity jurisdiction under 28 U.S.C. § 1332. Shanaghan v. Cahill, 58 F.3d 106, 112 (4th Cir. 1995) (stating that a plaintiff asserting federal jurisdiction has the burden of proving to a "legal certainty" that the claim is not less than the jurisdictional amount). Furthermore, to the extent that Plaintiff purports to allege federal question jurisdiction under Section 1331, the Complaint's factual allegations fail to state a cognizable legal claim for a violation of any of the federal statutes cited by Plaintiff.

For the reasons stated herein, Plaintiff's Complaint will be dismissed on initial screening. 28 U.S.C. § 1915(e)(2)(B)(i), (ii).

IT IS, THEREFORE, ORDERED that:

- (1) Plaintiff's Complaint is **DISMISSED** on initial screening.

- (2) Plaintiff's Motion to Proceed in Forma Pauperis is **GRANTED** for the limited purpose of this order of dismissal. (Doc. No. 2).
- (3) The Clerk of Court is directed to close this civil case.

Signed: February 21, 2018

Robert J. Conrad Jr.

Robert J. Conrad, Jr.
United States District Judge