

APPENDIX A

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 18-31073
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

March 15, 2019

Lyle W. Cayce
Clerk

SHANTA G. PHILLIPS-BERRY,

Plaintiff - Appellant

v.

DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES;
DEPARTMENT OF JUSTICE OF THE STATE OF LOUISIANA, Litigation
Division; UNITED STATES MILITARY; FACEBOOK; UBER; LYFT, L.L.C.;
ENTERPRISE LEASING COMPANY; ENTERGY OF LOUISIANA;
LOUISIANA DISCIPLINARY BOARD OFFICE OF DISCIPLINARY
COUNSEL; HOLLYWOOD PRODUCTIONS; DEPARTMENT OF
TRANSPORTATION; HEALTH AND HOSPITALS DEPARTMENT OF
LOUISIANA; OFFICE OF MOTOR VEHICLE LOUISIANA; SOCIAL
SECURITY OFFICE LOUISIANA; DEPARTMENT OF FAMILY SERVICES
LOUISIANA; HOUSING AUTHORITY LOUISIANA; DEPARTMENT OF
TRANSPORTATION DEPARTMENT; DEPARTMENT OF JUSTICE OF
LOUISIANA; DEPARTMENT OF ENVIRONMENTAL QUALITY, STATE
OF LOUISIANA; COMMUNICATION SERVICE OF LOUISIANA;
ENTERGY LOUISIANA, L.L.C.,

Defendants - Appellees

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:18-CV-7890

No. 18-31073

Before KING, SOUTHWICK, and ENGELHARDT, Circuit Judges.

PER CURIAM:*

Plaintiff-appellant Shanta Phillips-Berry appeals the district court's dismissal of her claims against the defendants. Because the plaintiff's complaint is frivolous, we AFFIRM.

The plaintiff filed four complaints in the district court, alleging claims against a range of parties, including the President of the United States, rideshare companies, a social media company, and an electricity utility, among others. The plaintiff's primary claim centers on an alleged conspiracy among the myriad defendants to commit crimes against the defendant and the United States of America, which included an allegation that the defendants conspired to implant a device into her body that causes her pain and controls her mind.

The district court found the complaint and subsequent motions to be "incoherent and wholly lacking any legal basis." The district court barred the plaintiff from filing future complaints or motions concerning her criminal conspiracy claims. The plaintiff appealed. Liberally construing her appeal, she argues that the district court abused its discretion when it dismissed her claims. *See Grant v. Cuellar*, 59 F.3d 523, 524 (5th Cir. 1995).

An *in forma pauperis* claim may properly be dismissed "whose factual contentions are clearly baseless," including "claims describing fantastic or delusional scenarios." *Denton v. Hernandez*, 504 U.S. 25, 32 (1992) (quoting *Neitzke v. Williams*, 490 U.S. 319, 327-28 (1989)); *see also* 28 U.S.C. § 1915(e)(2)(B)(i). We find no error in the district court's decision to dismiss

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 18-31073

the plaintiff's claims, which we review for abuse of discretion. *Denton*, 504 U.S. at 33. AFFIRMED.

APPENDIX B

UNITED STATE DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

SHANTA G. PHILLIPS-BERRY

CIVIL ACTION

v.

NO. 18-7890

DONALD J. TRUMP, et al.

SECTION "F"

ORDER

Shanta Phillips-Berry has filed four complaints in this Court over the last three months. The complaints, which are incomprehensible, allege claims against a range of parties, including several Louisiana agencies, President Trump, Facebook, Uber, and Entergy. The complaints allege that government offices have been used to perform criminal acts and that a device has been implanted into her body that causes her pain and controls her behavior.

In its Order, dated September 7, 2018, this Court ordered that Ms. Phillips-Berry must seek leave from this Court to file anything into the record after finding that her complaints and subsequent motions have been incoherent and wholly lacking any legal basis. The Court invited Ms. Phillips-Berry to show cause as to why the Court should not restrict her ability to file continually frivolous papers.

Ms. Phillips-Berry has responded to this Order, attempting to show cause as to why the Court should not restrict her ability to file. Like in her other submissions, Ms. Phillips-Berry alleges

that the defendants have implanted a device into her body that is used to inflict pain upon her. In an attempt to substantiate her allegations, she contends that this Court is unaware of medical technology. Furthermore, she submits medical records documenting hospital visits in an attempt to corroborate her allegations that the defendants have inflicted pain upon her. This response, like all of her submissions, remains incoherent. Her filings consistently request the Court to provide relief that is simply outside the bounds of this Court's jurisdiction. Ms. Phillips-Berry's frequently filed complaints and motions are nonsensical and duplicative, and they are burdening the Court by unnecessarily draining judicial resources; she has flagrantly abused the judicial process.

When a complaint is insubstantial and frivolous, federal jurisdiction cannot be invoked. Dilworth v. Dallas Cty. Comm. Coll. Dist., 81 F.3d 616, 617 (5th Cir. 1996). Pursuant to 28 U.S.C. § 1915(e)(2)(B)(i), courts are to dismiss any matter determined to be frivolous.¹ A complaint is frivolous if the claims alleged have no arguable basis in law or fact. Booker v.

¹ 28 U.S.C. § 1915(e)(2)(B)(i) states, "the court shall dismiss the case at any time if the court determines that: (A) the allegation of poverty is untrue; or (B) the action or appeal: (i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief."

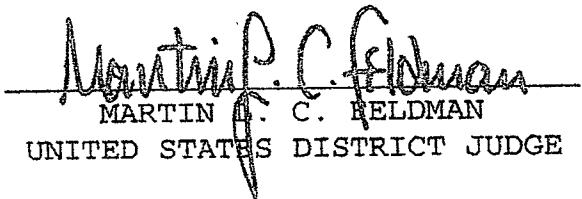
Koonce, 2 F.3d 114, 115 (5th Cir. 1993). Factual frivolousness includes those allegations that are fanciful, fantastic, or delusional. See Denton v. Hernandez, 504 U.S. 25, 32-33 (1992); Ancar v. SARA Plasma, 964 F.2d 465, 468 (5th Cir. 1992). The "substantiality doctrine" is reserved for dismissing complaints that contain "truly fanciful allegations," such as those that suggest bizarre conspiracy theories, supernatural interventions, and fantastic manipulations of their will or mind. McCastle v. United States, No. 15-CV-0420, 2016 WL 749610 at *2 (E.D. Tex. Nov. 14, 2016).

The plaintiff's complaints are fantastic, delusional, and contain truly fanciful allegations. They lack any legal or factual basis. The frivolity of her claims calls for implication of the substantiality doctrine, pursuant to 28 U.S.C. § 1915(e)(2)(B)(i), and therefore, the Court does not have jurisdiction over her claims. Accordingly, IT IS SO ORDERED: that Shanta Phillips-Berry's complaint is hereby DISMISSED with prejudice. IT IS FURTHER ORDERED: that Ms. Phillips-Berry's motion to stop defendant attack is hereby DENIED as moot. IT IS FURTHER ORDERED: that Ms. Phillips-Berry is hereby prohibited from filing anything else in this Court regarding her so-called claims.² IT IS FURTHER

² Federal courts may refuse to entertain certain complaints or otherwise impose restrictions if the petitioner "flagrant[ly] misuse[s]" or abuses the judicial process. Howard v. King, 707 F.2d 215, 221 (5th Cir. 1983); Cotner v. Hopkins, 795 F.2d 900,

ORDERED: that Ms. Phillips-Berry is prohibited from filing any additional complaints or bringing any other legal action in this Court that relate to a conspiracy by the defendants to engage in criminal acts and inflict pain upon her, or the insertion of a device controlled by the defendants. Failure to comply with this Order could result in sanctions, including contempt of Court. The Clerk of Court is ordered to provide this Court's Pro Se Office with a copy of this Order and shall not permit any further filings by Ms. Phillips-Berry.

New Orleans, Louisiana, September 18, 2018



MARTIN J. C. FELDMAN
UNITED STATES DISTRICT JUDGE

902 (10th Cir. 1986). The Court may impose onerous conditions, "as long as they are designed to assist the district court in curbing the particular abusive behavior involved," and they do not "deny a litigant meaningful access to the courts." Cotner v. Hopkins, 795 F.2d at 902; see In re Green, 669 F.2d 779, 786 (D.C. Cir. 1981).

**Additional material
from this filing is
available in the
Clerk's Office.**