

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

No. 18-31067
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

January 22, 2019

Lyle W. Cayce
Clerk

SHANTA G. PHILLIPS-BERRY,

Plaintiff - Appellant

v.

KENNER POLICE DEPARTMENT; AT&T CORPORATION; APPLE;
VERIZON COMMUNICATIONS, INCORPORATED; T-MOBILE
CORPORATION; SPRINT CORPORATION; METRO PCS
COMMUNICATION INCORPORATED; COX CABLE, also known as Cox
Cable Communications, Incorporated,

Defendants - Appellees

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:18-CV-8235

Before DAVIS, HAYNES, and GRAVES, Circuit Judges.

PER CURIAM:*

Prior to service of summons on the defendants in this case, the district court issued a show cause order noting that Plaintiff Shanta Phillips-Berry had filed a series of "incomprehensible" complaints against a wide variety of people

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 18-31067

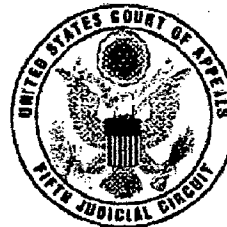
and entities, of which this case was one. The order required Phillips-Berry to show cause as to why the court should not restrict her ability to file. In response, she indicated that the defendants have implanted a device in her body to inflict pain. The district court found the basis for her claims to be "incoherent," prohibited her from further similar filings, and dismissed the case pursuant to 28 U.S.C. § 1915 (e)(2)(B)(i). Phillips-Berry timely appealed to this court.

Although we do not doubt the sincerity of Phillips-Berry in explaining her concerns, we conclude that the district court's order should be affirmed for substantially the same reasons set forth in its September 18, 2018 order.

AFFIRMED.

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 18-31067



SHANTA G. PHILLIPS-BERRY,

Plaintiff - Appellant

A True Copy
Certified order issued Mar 19, 2019

Steph W. Cayce
Clerk, U.S. Court of Appeals, Fifth Circuit

v.

KENNER POLICE DEPARTMENT; AT&T CORPORATION; APPLE;
VERIZON COMMUNICATIONS, INCORPORATED; T-MOBILE
CORPORATION; SPRINT CORPORATION; METRO PCS
COMMUNICATION INCORPORATED; COX CABLE, also known as Cox
Cable Communications, Incorporated,

Defendants - Appellees

Appeal from the United States District Court
for the Eastern District of Louisiana

ON PETITION FOR REHEARING EN BANC

(Opinion January 22, 2019, 5 Cir., _____, _____ F.3d _____)

Before DAVIS, HAYNES, and GRAVES, Circuit Judges.

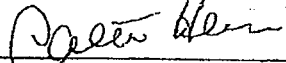
PER CURIAM:

D Treating the Petition for Rehearing En Banc as a Petition for Panel Rehearing, the Petition for Panel Rehearing is DENIED. No member of the panel nor judge in regular active service of the court having requested that the court be polled on Rehearing En Banc (FED. R. APP.

P. and 5TH CIR. R. 35), the Petition for Rehearing En Banc is DENIED.

- () Treating the Petition for Rehearing En Banc as a Petition for Panel Rehearing, the Petition for Panel Rehearing is DENIED. The court having been polled at the request of one of the members of the court and a majority of the judges who are in regular active service and not disqualified not having voted in favor (FED. R. APP. P. and 5TH CIR. R. 35), the Petition for Rehearing En Banc is DENIED.

ENTERED FOR THE COURT: 3-19-2019


UNITED STATES CIRCUIT JUDGE

*Judge Jones, Judge Dennis, and Judge Costa did not participate in the consideration of the rehearing en banc.

UNITED STATE DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

SHANTA G. PHILLIPS-BERRY

CIVIL ACTION

V.

NO. 18-8235

KENNER POLICE DEPARTMENT, 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.

This complaint names as defendants the Kenner Police Department and numerous telecommunications companies, including AT&T, Apple, Verizon, T-Mobile, and Sprint. The complaint alleges that these defendants force their employees to engage in criminal acts, but it does not point to any specific conduct. The plaintiff also alleges that crimes have been committed against her after calling the Kenner Police Department. The allegations in this complaint are nonsensical and out of touch with the realities of this Court.

Accordingly, IT IS ORDERED: that Ms. Phillips-Berry must seek leave from this Court to file anything into the record. Continued submission of motions lacking any legal basis may result in a greater restriction of Ms. Phillips-Berry's ability to further

pursue these claims.¹ Ms. Phillips-Berry is invited to show cause, as to why the Court should not restrict her ability to file into the record.²

New Orleans, Louisiana, September 7, 2018


MARTIN P. C. FELDMAN
UNITED STATES DISTRICT JUDGE

¹ 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, 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; In re Martin-Trigona, 737 F.2d 1254, 1261-62 (2d Cir. 1984) (holding that the district court properly prohibited a party from making further filings without first obtaining leave of court or filing additional actions involving the same facts and parties when the party's filings were frivolous, voluminous, time-consuming, and used for harassment); see In re Green, 669 F.2d 779, 786 (D.C. Cir. 1981).

² Several U.S. Courts of Appeals have required the district court to provide notice to the party and allow them an opportunity to oppose the court's order. Tripathi v. Beaman, 878 F.2d 351, 354 (10th Cir. 1989); Gagliardi v. McWilliams, 834 F.2d 81, 83 (3d Cir. 1987) (holding that the district court must give the party notice and an opportunity to respond before it enjoins the party from filing any paper without first forwarding the paper to the court and receiving approval).