

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

United States Court of Appeals
Fifth Circuit

FILED

April 24, 2020

Lyle W. Cayce
Clerk

No. 19-11208
Summary Calendar

CHARISE L. LOGAN,

Plaintiff - Appellant

v.

HOMELAND SECURITY; CENTRAL INTELLIGENCE AGENCY; UNITED STATES DEPARTMENT OF DEFENSE; PRESIDENT TRUMP, Honorable; GEORGE D. BUSH, Honorable; BARAK OBAMA, Honorable; MICHELLE OBAMA, Honorable; GEORGE NLN; CALVIN B. DAVIS; WENDY LOGAN; OVERLAND PARK KANSAS POLICE DEPARTMENT; ARLINGTON POLICE DEPARTMENT; FORT WORTH POLICE DEPARTMENT; BLOOMINGTON MINNESOTA POLICE DEPARTMENT; RICHFIELD MINNESOTA POLICE DEPARTMENT; DON EILTS; EDMON WITHERSPOON; US ARMY SIGNAL CORPS; UNITED STATES MARINE CORPS; CITY OF GRAND PRAIRIE; DFW INTERNATIONAL AIRPORT; BALLY'S FITNESS FOR LA FITNESS; WALMART; KROGER; EULESS CAR AUCTION; CARMAX; A T& T STADIUM,

Defendants - Appellees

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:19-CV-1908

Before STEWART, HIGGINSON, and COSTA, Circuit Judges.

PER CURIAM:*

Charise Logan appeals the district court's judgment dismissing her appeal as frivolous pursuant to 28 U.S.C. § 1915(e)(2). We AFFIRM.

I.

On August 9, 2019, Logan filed a 400-page *pro se* complaint in federal district court seeking money damages for alleged violations of several federal statutes related to cyber stalking, violence against women, computer hacking, wire taps, obstruction of justice, and numerous other issues. She named as defendants the Department of Homeland Security, the CIA, the United States Department of Defense, President Trump, George Bush, Barack Obama, Michelle Obama, Calvin B. Davis, Wendy Logan, the Overland Park Kansas, Arlington, Fort Worth, Bloomington Minnesota, and Richfield Minnesota Police Departments, Don Eilts, Edmon Witherspoon, the U.S. Army Signal Corps, the United States Marine Corps, the City of Grand Prairie, DFW Airport, "Bally's Fitness for LA Fitness," Walmart, Kroger, Euless Car Auction, Carmax, and AT&T Stadium. Logan filed 523 pages of exhibits to accompany her complaint. She asserted numerous claims against the named defendants including but not limited to their "unauthorized testing" and monitoring of her and that they used "cyberspace brainwashing video footage played into the atmosphere" to monitor her and prevent her from obtaining employment. She also claimed the defendants have targeted her in eleven different states and have illegally accessed her motor vehicles through cyberspace to impair her driving ability. She further claimed that the defendants use cyberspace to

* 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.

monitor her location with the intent to inject her with certain medical issues and conditions such as diabetes, memory loss, herpes, and HIV. She further alleged that various individuals impersonated her to deceive the public regarding her mental health condition. The district court permitted Logan to proceed *in forma pauperis* but withheld process pending judicial screening.

On October 22, 2019, the district court summarily dismissed Logan's complaint as frivolous pursuant to 28 U.S.C. § 1915(e)(2) on grounds that it "lack[ed] an arguable basis either in law or in fact." *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). Logan now appeals to this court. The essence of her argument on appeal is that the district court erred in dismissing her complaint as frivolous.

II.

"We review a district court's dismissal of an *in forma pauperis* complaint as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) for an abuse of discretion." *Brewster v. Dretke*, 587 F.3d 764, 767 (5th Cir. 2009). As noted by the district court, "a claim may be dismissed as frivolous if it does not have an arguable basis in fact or law." *Id.* (citing *Gonzales v. Wyatt*, 157 F.3d 1016, 1019 (5th Cir. 1998)).

III.

After considering the arguments as briefed on appeal,¹ and after reviewing the record and the applicable law, we AFFIRM the district court's judgment dismissing Logan's complaint as frivolous pursuant to 28 U.S.C. § 1915(e)(2).

¹ For obvious reasons, none of the named appellees have filed a response brief on appeal.

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HOMELAND SECURITY; CENTRAL INTELLIGENCE AGENCY; UNITED STATES DEPARTMENT OF DEFENSE; PRESIDENT TRUMP, Honorable; GEORGE D. BUSH, Honorable; BARAK OBAMA, Honorable; MICHELLE OBAMA, Honorable; GEORGE NLN; CALVIN B. DAVIS; WENDY LOGAN; OVERLAND PARK KANSAS POLICE DEPARTMENT; ARLINGTON POLICE DEPARTMENT; FORT WORTH POLICE DEPARTMENT; BLOOMINGTON MINNESOTA POLICE DEPARTMENT; RICHFIELD MINNESOTA POLICE DEPARTMENT; DON EILTS; EDMON WITHERSPOON; US ARMY SIGNAL CORPS; UNITED STATES MARINE CORPS; CITY OF GRAND PRAIRIE; DFW INTERNATIONAL AIRPORT; BALLY'S FITNESS FOR LA FITNESS; WALMART; KROGER; EULESS CAR AUCTION; CARMAX; A T & T STADIUM,

Defendants – Appellees

Appeal from the United States District Court for the
Northern District of Texas

Before STEWART, HIGGINSON, and COSTA, Circuit Judges.

J U D G M E N T

This cause was considered on the record on appeal and the briefs on file.

It is ordered and adjudged that the judgment of the District Court is

affirmed.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CHARISE L. LOGAN,
Plaintiff,

v.

HOMELAND SECURITY, et al.,
Defendants.

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No. 3:19-cv-01908-M (BT)

**FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Charise Logan has filed a *pro se* civil action in federal court. The Court granted her leave to proceed *in forma pauperis*, but withheld process pending judicial screening. Now, for the following reasons, the Court recommends that Plaintiff's complaint be summarily dismissed as frivolous pursuant to 28 U.S.C. § 1915(e)(2).

I.

On August 9, 2019, Plaintiff filed a 400-page complaint seeking money damages for alleged violations of various federal statutes related to cyber stalking, violence against women, computer hacking, wire taps, obstruction of justice, and other issues. She names the Department of Homeland Security, the CIA, the United States Department of Defense, President Trump, George Bush, Barak Obama, Michelle Obama, George (no last name), Calvin B. Davis, Wendy Logan, the Overland Park Kansas Police Department, the Arlington Police Department, the

Fort Worth Police Department, the Bloomington Minnesota Police Department, the Richfield Minnesota Police Department, Don Eilts, Edmon Witherspoon, the U.S. Army Signal Corps, the United States Marine Corps, the City of Grand Prairie, DFW Airport, “Bally’s Fitness for LA Fitness,” Walmart, Kroger, Euless Car Auction, Carmax, and AT&T Stadium as defendants. On August 13, 2019, Plaintiff filed 523 pages of exhibits. She also filed additional attachments to her complaint on August 20 and 27, 2019, and on September 4, 2019.

Plaintiff asserts numerous claims against Defendants, including claims that Defendants have conducted “unauthorized testing” and monitoring on her. She alleges Defendants use “cyberspace brainwashing video footage played into the atmosphere” to monitor her and prevent her from obtaining employment. Compl. 15-16 (ECF No. 3). She states Defendants have targeted her in eleven different states and have illegally accessed her motor vehicles through cyberspace to impair her driving ability. She also claims Defendants use cyberspace to monitor her location with the intent to inject her with certain medical issues such as varicose veins, diabetes, impaired vision, memory loss, herpes, HIV and other conditions. Finally, she alleges that various people impersonate her to deceive the public regarding her mental condition.

II.

A district court may summarily dismiss a complaint filed *in forma pauperis* if it concludes the action is: (1) frivolous or malicious; (2) fails to state a claim on

which relief may be granted; or (3) seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B). A complaint is frivolous when it “lacks an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). A court may dismiss a complaint as frivolous when it is based on an indisputable meritless legal theory or when the factual contentions are “clearly baseless.” *Denton v. Hernandez*, 504 U.S. 25, 32 (1992). The latter category encompasses allegations that describe “fanciful, fantastic, and delusional” scenarios, or that “rise to the level of the irrational or wholly incredible.” *Id.* at 33.

Courts must liberally construe pleadings filed by *pro se* litigants. *See Erickson v. Pardus*, 551 U.S. 89, 94 (2007). Even under the most liberal construction, however, Plaintiff’s allegations describe irrational or wholly incredible claims against Defendants. Plaintiff’s complaint should be dismissed as frivolous.

III.

The Court recommends that the complaint be summarily dismissed with prejudice as frivolous pursuant to 28 U.S.C. § 1915(e)(2).

Signed October 8, 2019.



REBECCA RUTHERFORD
UNITED STATES MAGISTRATE JUDGE

**INSTRUCTIONS FOR SERVICE AND
NOTICE OF RIGHT TO APPEAL/OBJECT**

The United States District Clerk is directed to serve a true copy of these findings, conclusions, and recommendation on the parties. Pursuant to Title 28, United States Code, Section 636(b)(1), any party who desires to object to these findings, conclusions, and recommendation must serve and file written objections within 14 days after being served with a copy. A party filing objections must specifically identify those findings, conclusions, or recommendation to which objections are being made. The District Court need not consider frivolous, conclusory, or general objections. A party's failure to file such written objections to these proposed findings, conclusions, and recommendation will bar that party from a *de novo* determination by the District Court. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985). Additionally, any failure to file written objections to the findings, conclusions, and recommendation within 14 days after being served with a copy will bar the aggrieved party from appealing the factual findings and legal conclusions of the Magistrate Judge that are accepted by the District Court, except upon grounds of plain error. *See Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc).

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Defendants.

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No. 3:19-cv-01908-M (BT)

ORDER

The United States Magistrate Judge made Findings, Conclusions and a Recommendation in this case. Plaintiff filed objections, and the District Court has made a *de novo* review of those portions of the proposed Findings and Recommendation to which objection was made. The objections are overruled, and the Court ACCEPTS the Findings, Conclusions and Recommendation of the United States Magistrate Judge.

Signed this 22nd day of October, 2019.


BARBARA M. G. LYNN
CHIEF JUDGE

**IN THE UNITED STATES DISTRICT COURT
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CHARISE L LOGAN,
Plaintiff,

v.

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No. 3:19-cv-01908-M (BT)

JUDGMENT

This action came on for consideration by the Court, and the issues having been duly considered and a decision duly rendered,

It is ORDERED, ADJUDGED and DECREED that the complaint is DISMISSED with prejudice as frivolous pursuant to 28 U.S.C. § 1915(e)(2).

It is further ORDERED that the Clerk shall transmit a true copy of this Judgment to the parties.

Signed this 22nd day of October, 2019.


BARBARA M. G. LYNN
CHIEF JUDGE

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