

**UNPUBLISHED**

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

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**No. 20-1921**

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DERRICK MICHAEL ALLEN, SR.,

Plaintiff - Appellant,

v.

SUNTRUST BANK; TRUIST BANK; HEATH CAMPBELL; BETH BARHAM,

Defendants - Appellees.

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Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Thomas D. Schroeder, Chief District Judge. (1:20-cv-00293-TDS-LPA)

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Submitted: December 21, 2020

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Decided: January 7, 2021

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Before MOTZ, DIAZ, and HARRIS, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Derrick Michael Allen, Sr., Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Derrick Michael Allen, Sr., appeals the district court's order accepting the recommendation of the magistrate judge and dismissing Allen's 42 U.S.C. § 1983 complaint. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. *Allen v. SunTrust Bank*, No. 1:20-cv-00293-TDS-LPA (M.D.N.C. Aug. 21, 2020). We deny Allen's motions to appoint counsel and for a transcript at government expense. 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*

FILED: January 7, 2021

UNITED STATES COURT OF APPEALS  
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DERRICK MICHAEL ALLEN, SR.

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SUNTRUST BANK; TRUIST BANK; HEATH CAMPBELL; BETH BARHAM

Defendants - Appellees

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JUDGMENT

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In accordance with the decision of this court, the judgment of the district court is affirmed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ PATRICIA S. CONNOR, CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DERRICK MICHAEL ALLEN, SR. )  
 )  
 Plaintiff, )  
 )  
 v. ) 1:20CV293  
 )  
 SUNTRUST BANK, et al., )  
 )  
 Defendants. )

## JUDGMENT

For the reasons set forth in the Order filed contemporaneously with this Judgment,

IT IS THEREFORE ORDERED AND ADJUDGED that this action is dismissed for want of subject matter jurisdiction.

/s/ Thomas D. Schroeder  
United States District Judge

August 21, 2020

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DERRICK MICHAEL ALLEN, SR. )  
                                  )  
                                  )  
Plaintiff,                    )  
                                  )  
                                  )  
v.                             )       1:20CV293  
                                  )  
                                  )  
SUNTRUST BANK, et al.,        )  
                                  )  
                                  )  
Defendants.                    )

ORDER

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on April 1, 2020, was served on the parties in this action. (Text Order and Recommendation dated Apr. 1, 2020; Doc. 6.) Plaintiff objected to the Recommendation. (Doc. 8.)

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objections were made and has made a de novo determination in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that this action is dismissed for want of subject matter jurisdiction.

Mr. Allen has filed multiple cases raising frivolous claims in this court. He is now strongly cautioned not to file claims lacking a legal and/or factual basis in violation of Federal Rule of Civil Procedure 11. It is not enough that he may think he has

been wronged; he must have a good faith basis in fact and in law to support his claims. While his *pro se* status entitles him to some consideration as a non-lawyer, it does not excuse him from his obligation to file only claims that have a good faith basis. Continued filing of frivolous cases diverts the court's attention from cases that actually raise cognizable claims and thus slows the court's ability to administer justice. Sanctions, including a pre-filing injunction, are options available to the court to address continued frivolous filings.

/s/ Thomas D. Schroeder  
United States District Judge

August 21, 2020