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**MEMORANDUM OPINION AND JUDGMENT
OF THE COURT OF APPEALS FOR THE
DISTRICT OF COLUMBIA
(JANUARY 10, 2022)**

DISTRICT OF COLUMBIA COURT OF APPEALS

HAROLD JEAN-BAPTISTE,

Appellant,

v.

**UNITED STATES DEPARTMENT
OF JUSTICE, ET AL.,**

Appellees.

No. 21-CV-242

Appeal from the Superior Court of the
District of Columbia (CAB-377-21)
(Hon. Florence Y. Pan, Trial Judge)

Submitted November 16, 2021
Decided January 10, 2022

Before: GLICKMAN, BECKWITH, and
EASTERLY, Associate Judges.

**MEMORANDUM OPINION AND JUDGMENT
PER CURIAM:**

Appellant Harold Jean-Baptiste appeals the
Superior Court's dismissal of his amended complaint

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for lack of jurisdiction. Appellees argue that the court correctly dismissed the complaint for lack of jurisdiction, and also that the complaint fails to state a plausible claim on which relief can be granted. We affirm.

As amended, appellant's complaint names as defendants the United States Department of Justice (DOJ), the Federal Bureau of Investigation (FBI), the Director of the FBI, and the Acting Attorney General. The two individuals are named as defendants only in their official capacities. The complaint seeks monetary damages and equitable relief for alleged violations by the FBI and DOJ of the First, Fourth, and Ninth Amendments to the United States Constitution; the Electronic Communications Privacy Act (ECPA) of 1986, 18 U.S.C. §§ 2510-2523; 18 U.S.C. § 956 (defining federal criminal offense of conspiracy to kill, kidnap, maim, or injure persons or damage property in a foreign country); the Freedom of Information Act (FOIA), 5 U.S.C. § 552; 42 U.S.C. §§ 1981, 1983, and 1985; and the laws of Florida and Virginia.

At a hearing in Superior Court on April 9, 2021, appellant explained his core allegations that the FBI was investigating him in an attempt to kidnap and kill him. The court informed appellant that it lacked authority to enjoin the FBI from investigating appellant. Appellant also stated that he had filed FOIA requests which the DOJ had denied, and that the United States District Court had upheld that denial. The court ultimately advised appellant to refile his complaint in the United States District Court, which had the authority to consider his claims. On the understanding that appellant agreed to do so, the court then dismissed

appellant's complaint. Appellant subsequently noticed the instant appeal.

The threshold question before us—whether the Superior Court has jurisdiction over appellant's claims

—“is a question of law, which we review *de novo*.¹ “It is axiomatic that the United States may not be sued without its consent and that the existence of consent is a prerequisite for jurisdiction.”² United States government officials sued in their official capacity also “may assert sovereign immunity,” because “the relief sought is only nominally against the official and in fact is against the official’s office and thus the sovereign itself.”³ Appellant has identified no authority establishing that the United States has consented to be sued in Superior Court on the claims in his complaint against federal executive agencies or federal executives in their official capacities, and we are aware of none.

The complaint expressly predicates jurisdiction “in this court” on 28 U.S.C. §§ 1331 and 1343, and on 42 U.S.C. § 2000e-5(f)(3), “because [appellant’s claims] arise under the laws of the United States and are brought to recover damages for deprivation of civil

¹ *Upson v. Wallace*, 3 A.3d 1148, 1154 (D.C. 2010).

² *United States v. Mitchell*, 463 U.S. 206, 212 (1983); *see also FDIC v. Meyer*, 510 U.S. 471, 475 (1994) (“Absent a waiver, sovereign immunity shields the Federal Government and its agencies from suit. Sovereign immunity is jurisdictional in nature.” (internal citations omitted.)).

³ *Lewis v. Clarke*, 137 S. Ct. 1285, 1292 (2017).

rights, constitutional rights, and violation criminal U.S. Codes [sic].” These statutes are unavailing. The first two cited statutes provide for jurisdiction (over federal question cases and civil rights cases, respectively) only in the federal district courts, not in the Superior Court of the District of Columbia.⁴ The third cited statute is limited, by its terms, to claims of unlawful employment practices brought under 42 U.S.C. § 2000e *et seq.*, which appellant’s complaint does not purport to present. The other federal statutes cited by appellant also do not vest jurisdiction in Superior Court. ECPA provides for certain private civil actions, but only against persons or entities “other than the United States.”⁵ Jurisdiction over federal FOIA actions is specifically lodged in the federal district courts.⁶ Section 956 of Title 18 simply defines a federal crime and does not speak to jurisdiction over civil actions. The cited civil rights statutes establish civil liability for deprivations of civil rights but do not purport to grant the Superior Court jurisdiction over such claims against the United States. The laws of Florida and

⁴ The complaint correctly does not invoke 28 U.S.C. § 1333 (“United States as a defendant”), which vests original jurisdiction of most civil actions against the United States in either the federal district courts or the United States Court of Federal Claims.

⁵ 18 U.S.C. § 2520(a).

⁶ 5 U.S.C. § 552(a)(4)(B) (“On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia, has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant.”).

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Virginia also do not grant the Superior Court jurisdiction over such claims.

For the foregoing reasons, we affirm the Superior Court's dismissal of appellant's complaint for lack of jurisdiction.⁷

ENTERED BY
DIRECTION OF THE COURT:

/s/Julio A. Castillo
Clerk of the Court

⁷ Appellant's motions for expedited resolution of his appeal, filed on November 16 and 17, 2021, are denied as moot.

**ORDER OF THE SUPERIOR COURT
FOR THE DISTRICT OF COLUMBIA
(APRIL 20, 2021)**

**SUPERIOR COURT OF
THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

HAROLD JEAN-BAPTISTE

v.

**UNITED STATES DEPARTMENT
OF JUSTICE, ET AL.**

Case Number: 2021 CA 377 B

**Before: Florence Y. PAN, Judge,
Superior Court of the District of Columbia.**

ORDER

This matter comes before the Court upon consideration of plaintiff's Motion for Preliminary Injunction, filed on April 17, 2021, and plaintiff's Motions for Default Judgment, filed on April 9, 2021. Plaintiff appeared before the Court for an initial scheduling conference on April 9, 2021. After hearing representations from plaintiff about the nature of his claims, the Court determined that it did not have jurisdiction to grant the relief requested. The Court therefore dismissed the matter, with plaintiff's consent. At that time, plaintiff informed the Court that he would re-file his case in the United States District Court for the District

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of Columbia. If plaintiff seeks further relief from this Court, he must file a new case. If he faces an immediate threat to his safety, he is advised to contact the Metropolitan Police Department.

Accordingly, it is this 20th day of April, 2021, hereby ORDERED that plaintiff's Motions are DENIED as moot.

SO ORDERED.

/s/ Florence Y. Pan
Judge, Superior Court of the
District of Columbia

**MOTION FOR DEFAULT JUDGMENT
IN THE SUPERIOR COURT FOR THE
DISTRICT OF COLUMBIA
(APRIL 9, 2021)**

SUPERIOR COURT OF
THE DISTRICT OF COLUMBIA
CIVIL DIVISION

HAROLD JEAN-BAPTISTE,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,

Defendant.

Civil Action No. 2021 CA 000377 B

At the outset, we note that jurisdiction is properly founded on 28 U.S.C. § 1343(3), 28 U.S. Code § 1349, 18 U.S. Code § 351128 U.S. Code § 1346. Plaintiffs move this court for a judgment by default in this action, and show that the complaint in the above case was filed in this court on the 4/9/2021; the summons and complaint were duly served on the Defendant, [FBI and DOJ] on the [3/03/21]; no answer or other defense has been filed by the Defendant; default was entered in the civil docket in the office of this clerk on the April 9, 2021 default entered; no proceedings have been

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taken by the Defendant since the default was entered; Defendant was not in military service and is not an infant or incompetent as appears in the declaration of [Harold Jean-Baptiste] submitted herewith. Wherefore, plaintiff moves that this court make and enter a judgment that [same as prayer for relief in complaint].

The Plaintiff would like not to dismiss the case and file for motion to default.

Thank you,

By: /s/ Harold Jean-Baptiste

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**ORDER OF THE SUPERIOR COURT
FOR THE DISTRICT OF COLUMBIA
(MARCH 23, 2021)**

**SUPERIOR COURT OF
THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

HAROLD JEAN-BAPTISTE

v.

**UNITED STATES DEPARTMENT
OF JUSTICE, ET AL.**

Case Number: 2021 CA 377 B

**Before: Florence Y. PAN, Judge,
Superior Court of the District of Columbia.**

ORDER

Upon consideration of plaintiff's motion for injunctive relief, filed on March 2, 2021, it is this 23rd day of March, 2021, hereby

ORDERED that the parties appear for a status hearing on Friday, April 9, 2021. The hearing will be held virtually on the WebEx platform, and instructions for attending the hearing are attached to this order. The parties will check in at 10:30 a.m. and the matter will be called between 10:30 a.m. and 11:30 a.m. The parties should not appear in the courthouse, as the hearing will be conducted by video or audio only.

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SO ORDERED.

/s/ Florence Y. Pan

Judge, Superior Court of the
District of Columbia

**APPELLANT'S BRIEF-RELEVANT EXCERPTS
(MAY 5, 2021)**

DC APPEAL COURT FOR
THE DISTRICT OF COLUMBIA

HAROLD JEAN-BAPTISTE,

Plaintiff-Appellant,

v.

FEDERAL BUREAU OF INVESTIGATION,

Defendant-Appellee.

&

UNITED STATES DEPARTMENT OF JUSTICE,

Defendant-Appellee.

Case Nos. 21-CV-0242 and 21-CA-377-B
(consolidated)

DC Appeal Court for DC District of Columbia

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JURISDICTIONAL STATEMENT

The appellant file this appeal for Final Default in Judgement in DC Appeal Court, and appeal of the dismissal of the case in Superior Court of the District of Columbia, by Judge Florence Y. Pan. At the outset, we note that jurisdiction is properly founded on 28U.S.C. § 1343(3), 28 U.S. Code § 1349, 28 U.S. Code § 1332, 28 U.S. Code § 1346, 18 U.S. Code § 3511, 18 U.S. Code § 2265 Pursuant to the National Security Letter Statute, 18 U.S.C. § 2709 and Superior Court Rules of Civil Procedure Rule(62)(g) for DC Appeal Court for the District of Columbia to issue judicial review and ruling pertaining to the case.

In Case No. 2021 CA 377 B, the plaintiff appeal to the court on the grounds that Judge Florence Y. Pan in Superior Court of the District of Columbia dismiss the case without proper legal rule of law, most importantly did not follow Rule (55)(d) Relief for Default Judgment. On April 15, 2021, Harold Jean-Baptiste ("Appellant", "Pro Se") filed a Notice of Appeal of the District Court's April 9, 2021 decision. The appeal is timely pursuant to Rule 73(b)(5) of the Federal Rules of Appellate Procedure because the Notice of Appeal in this civil case was filed within 30 days of the district court's decision. This DC Appeal Court has jurisdiction pursuant to 28 U.S.C. § 1291 because the April 9, 2021 District Court decision, to reverse the ruling and issue Final Default Judgement to this case No. 21-CV-0242 in DC Appeal Court.

In Case No. 2021 CA 377 B, the District Court did not acknowledge or granted any of the appellant's motions and the termination of dismissal of the case was Unfair Judicial Review, mistake, error of judgement

and inexcusable neglect, the defendants did not appear before the District Court. The District Court had diversity jurisdiction over those claims pursuant to 28 U.S.C. § 1332(a) because Harold Jean-Baptiste is a citizen of Florida. On April 9, 2021, Harold Jean-Baptiste (“Appellant”, “Pro Se”) filed a motion pursuant to Rule 73(b)(4)(A) of the Federal Rules of Civil Procedure requesting Default Judgement, not to dismiss the case and filed Service Members Civil Relief Act Affidavit, the court dismissed the case without legal reasoning on April 9, 2021, Judge Florence Y. Pan stated she had no jurisdiction for the case. The appeal is timely because pursuant to Rule 73(b)(5), Rule 4(a)(4)(A)(iii) and Rule 4(a)(4)(A)(i) of the Federal Rules of Appellate Procedure, the time to appeal the District Court’s decision regarding this case on April 9, 2021; and pursuant to Rule 4(a)(1), the Notice of Appeal was filed within 30 days of the district court ruling on April 9, 2021. This Court has jurisdiction pursuant to 28 U.S.C. § 1291 because the District Court’s April 9, 2021 dismissal of the case did not follow the court law guidelines constitute ground for DC Appeal Court to reverse the ruling of the District Court and issue a Final Default Judgments against the defendants.

STATEMENT OF ISSUES

1. Judge applied the law Incorrectly

Judge Florence Y. Pan applied the law incorrectly by dismissing the case despite the defendants did not respond to the summons and court order to appear before the court on April 7, 2021, according to the law the provisions of Rule 55(d), Federal Rules of Civil Procedure and issue a Default Judgement against the

defendants. This was clearly an error and a doctrine of clear mistake.

2. Unfair Judicial Review

Judge Florence Y. Pan ignored all the motions and had proper jurisdiction to make a ruling for procedural fairness, means fairness in the procedures followed when arriving at an administrative decision. It is a principle that is fundamental to the administration of justice and a person can file to get a decision on motions on the basis that procedural fairness was not observed. Judge Florence Y. Pan stated, 'she believes she had jurisdiction for ruling on FOIA motion and needed to look into it if she could make a ruling'. This was an error of judgement, the Superior District of the District of Columbia has complete jurisdiction to provide a ruling, unfair procedure fairness.

3. Inexecutable Neglect

The appellant has legal standing to challenge governmental action on statutory or other non-constitutional grounds has a constitutional content to the degree that Article III requires a "case" or "controversy," necessitating a litigant who has sustained or will sustain an injury so that he will be moved to present the issue "in an adversary context and in a form historically viewed as capable of judicial resolution. The District Court errors, mistakes and denial of jurisdiction was an inexecutable neglect, the potential put the appellant's life at risk.

4. Failure to follow Federal Rules of Civil Procedure

Judge Florence Y. Pan did not follow the law and the rules applied for Federal Rules of Civil Procedure for the court, according to summons the defendants must respond to the summons issue by the court, and failure to do so will issue a Default Judgement as stated for relief sought in the complaint. Secondly, according to the law the provisions of Rule 55(d), Federal Rules of Civil Procedure to issue a Default Judgement against the defendant must be *ordered* by the court if the defendants does not respond to the complaint and summons.

CONCLUSION

The appellant respectfully asks the Court of Appeals to reverse the dismissal by the District Court and issue a Final Default Judgment for relief sought against defendants that have failed to plead before the court.

The fact the appellant is "Pro Se", defendants did not appear before the court and the District Court judicial errors, mistakes, and inexcusable neglect to deny the plaintiff a fair judicial review. The appellant prays the DC Appeal Court to reverse the District Court ruling and protect the life of the plaintiff to vacate any investigation or order to do harm to the appellant. The appellant file this appeal to project his life since the injunction was ignored by the District Court. Most importantly, set a strong precedent for the future that any abuse of the Federal Laws should never be allowed by any person within the Federal Government regardless of the position held, that life is priceless, and no monetary value is worth anyone's life.