

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

RICHARD ARJUN KAUL, MD,

Plaintiff,

v.

PHILIP MURPHY, CHRISTOPHER J.
CHRISTIE, GURBIR GREWAL, ROBERT
MCGUIRE, AND DOREEN ANNETTE
HAFNER,

Defendants.

Civil Action No. 21-13063 (FLW) (TJB)

ORDER

THIS MATTER having been opened by the Court on its own motion; it appearing that *pro se* Plaintiff Richard Arjun Kaul, MD (“Plaintiff”) has filed a Complaint against Defendants New Jersey Governor Philip Murphy, former-Governor Christopher J. Christie, New Jersey-Attorney General Gurbir Grewal, and Deputy Attorneys General Robert McGuire and Doreen Annette Hafner (“Defendants”); it appearing that the matter was transferred to this District from the United States District Court for the Southern District of New York on June 21, 2021, (ECF No. 6); it appearing that Plaintiff paid the \$402 filing fee required to commence a civil action. (ECF No. 1-15); the Court having *sua sponte* reviewed the Complaint, makes the following findings:

1. Under Federal Rule of Civil Procedure 8(a)(2), a complaint must “contain a short and plain statement of the claim showing that the pleader is entitled to relief.” *Id.* Where a petition is “illegible or incomprehensible,” *Scibelli v. Lebanon Cty.*, 219 F. App’x 221, 222 (3d Cir.

2007), or “not only of an unwieldy length, but . . . also largely unintelligible,” *Stephanatos v. Cohen*, 236 F. App’x 785, 787 (3d Cir. 2007), Rule 8 dismissal is appropriate. *See Rhett v. N.J. State Super. Ct.*, 260 F. App’x 513 (3d Cir. 2008) (affirming dismissal of a “complaint, [an] amended complaint, and [a] second amended complaint [that] all lacked ‘short and plain statement[s]’ and where specific allegations were neither ‘simple, concise, [nor] direct’”); *Tillio v. Spiess*, 441 F. App’x 109, 110 (3d Cir. 2011) (approving dismissal in “those cases in which the [petition] is so confused, ambiguous, vague, or otherwise unintelligible that its true substance, if any, is well disguised”); *Kamdem-Ouffo v. Huczko*, 810 F. App’x 82, 84–85 (3d Cir. 2020) (same); *Salahuddin v. Cuomo*, 861 F.2d 40, 42 (2d Cir. 1988) (“When a complaint does not comply with the requirement that it be short and plain, the court has the power, on its own initiative . . . to dismiss the complaint.”); *Bennett-Nelson v. La. Bd. of Regents*, 431 F.3d 448, 450 n.1 (5th Cir. 2005) (same); *see also Himchak v. Pennsylvania*, No. 17-1870, 2020 WL 1151456, at *3 (M.D. Pa. Mar. 10, 2020) (dismissing complaint for “effectively disguising any claim(s) of action”). “When the court chooses to dismiss, it normally grants leave to file an amended pleading that conforms to the requirements of Rule 8.” *Salahuddin*, 861 F.2d at 42. A district court may *sua sponte* dismiss a complaint for failure to comply with Rule 8, but dismissal “‘is usually reserved for those cases in which the complaint is so confused, ambiguous, vague, or otherwise unintelligible that its true substance, if any, is well disguised.’” *Tillio v. Northland Grp. Inc.*, 456 F. App’x 78, 79 (3d Cir. 2012).

2. Plaintiff has been a frequent, vexatious litigant before this Court and has filed numerous actions against various New Jersey state officials, federal officials, insurance companies, and medical licensing entities relating to the revocation of his license to practice medicine

in 2014. Plaintiff refers to these cases as the “Kaul Cases.”¹ In his Complaint, which, including exhibits, is 475 pages long, Plaintiff alleges that on May 27, 2021, he was “illegally arrested and imprisoned” as part of “a scheme engineered and orchestrated by the Defendants, purported to obstruct justice, violate the authority of the United States District Court and obstruct [Plaintiff’s] prosecution of the Kaul Cases.” (Compl. ¶¶ 2–5.) While Plaintiff appears to bring a claim against Defendants under 42 U.S.C. § 1983 for violation of his Fourth Amendment rights, Plaintiff’s allegations related to his May 27, 2021 arrest are sparse, at best. Rather, Plaintiff spends most of his 77-paragraph Complaint referring to documents purportedly from the Kaul Cases, which he contends demonstrate “the culpability of certain judges and Defendants.” (*Id.* ¶ 8.) These incoherent references to the exhibits attached to the Complaint disguise any potentially legitimate cause of action against Defendants because it is unclear how his arrest, or any violation of the Fourth Amendment, was related to the Kaul Cases. Moreover, the Court is not required to wade through these exhibits to discern facts that may support Plaintiff’s claim. Accordingly, Plaintiff’s Complaint is dismissed without prejudice, and the Court will provide Plaintiff leave to amend within twenty-one (21) days consistent with Rule 8 and other pleading requirements. The amended complaint filed by Plaintiff, however, must be limited to factual allegations which support his claim that his Fourth Amendment rights were violated during his May 27, 2021 arrest.²

¹ Indeed, Plaintiff has three other civil actions pending in this District. See *Kaul v. Schumer*, No. 19-13477; *Kaul v. Murphy*, 21-9788; *Kaul v. Feldman*, No. 20-18853. Plaintiff recently filed motions to voluntarily dismiss without prejudice both *Kaul v. Murphy*, No. 21-9788, ECF No. 23 (July 1, 2021), and *Kaul v. Feldman*, No. 20-18853, ECF No. 209 (July 7, 2021).

² Plaintiff is advised that his amended complaint must include allegations that show that Defendants were personally involved in his arrest. See *Evancho v. Fisher*, 423 F.3d 347, 353 (3d

Accordingly, and for good cause shown,

IT IS on this 9th day of July, 2021,

ORDERED that Plaintiff's Complaint is **DISMISSED WITHOUT PREJUDICE**; and it is further

ORDERED that Plaintiff is given leave to file an amended complaint, which complies with this Order, within twenty-one (21) days of the date of this Order.

/s/ Freda L. Wolfson

Freda L. Wolfson

U.S. Chief District Judge

Cir. 2005) ("A[n individual government] defendant in a civil rights action must have personal involvement in the alleged wrongdoing; liability cannot be predicated solely on the operation of respondeat superior." (alteration in original)).

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