

SUPREME COURT OF UNITED STATES

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Bishop Ruben DeWayne,

*Petitioner/Plaintiff,*

vs.

THE UNITED STATES, et al.,

*Respondents/Defendants.*

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This Petition for Writ of Certiorari in Combo  
From U.S. Court of Appeals for the District of Columbia Docket No. 20-5275  
Appealed from the U.S. District Court, District of Columbia (1:20-cv-515-AMP)  
R.I.CO. Action showing Facts by Exhibits and Evidence of the Same

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Appendix  
FOR WRIT OF CERTIORARI

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*Bishop Ruben DeWayne, Pro Se Petitioner  
5105 N. Main Street, Bld. A.  
Columbia, South Carolina 29203  
(803) 200-5105  
20 years victim of Judicial Kleptocracy*

*Pursuant Rule 33.2*

Leitta Brooks, Joinder Plaintiff  
32 Crooked River Road,  
Wareham MA 02571

THE UNITED STATES  
c/o Patricia K. McBride  
555 Fourth Street, NW  
Washington, DC 20530

MERS, INC., and  
J.P. MORGAN MORTGAGE ACQUISITION  
SEYFARTH SHAW LLP  
975 F. Street, NW  
Washington, DC 20004-1454

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Appendix - - -  
FOR WRIT OF CERTIORARI

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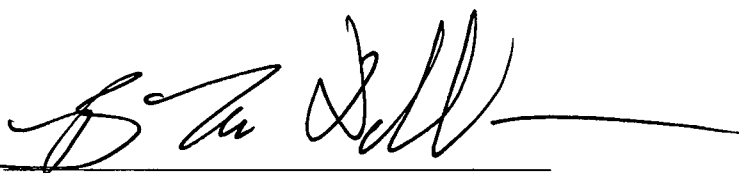
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By: 

Bishop Ruben DeWayne, pro se Petitioner  
5105 N. Main Street, Bld. A.  
Columbia, SC 29203  
(803) 200-5105

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 20-5275****September Term, 2020****1:20-cv-00515-APM****Filed On: January 21, 2021**

Ruben Dewayne, Bishop,

Appellant

v.

United States, et al.,

Appellees

**BEFORE:** Pillard, Katsas, and Walker, Circuit Judges**ORDER**

Upon consideration of the motion to strike/dismiss the notice of appeal filed by J.P. Morgan Mortgage Acquisition Corp. and Mortgage Electronic Registration Systems, Inc. (collectively, the "Mortgage Defendants"), which the court construes as a motion to dismiss the appeal, and the response thereto, it is

**ORDERED** that the motion be granted and the appeal be dismissed as to the Mortgage Defendants as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B). Appellant's claims against the Mortgage Defendants lack "an arguable basis either in law or in fact." Neitzke v. Williams, 490 U.S. 319, 325 (1989). It is

**FURTHER ORDERED**, on the court's own motion, that the appeal be dismissed as to the United States as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B). Appellant's allegations against the United States are "clearly baseless," Denton v. Hernandez, 504 U.S. 25, 32-33 (1992), and he has not made any non-frivolous argument that the United States has waived its sovereign immunity, see F.D.I.C. v. Meyer, 510 U.S. 471, 475 (1994).

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**United States Court of Appeals**

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**FOR THE DISTRICT OF COLUMBIA CIRCUIT****No. 20-5275****September Term, 2020**

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

**Per Curiam****FOR THE COURT:**

Mark J. Langer, Clerk

BY: /s/

Manuel J. Castro

Deputy Clerk

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

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**BISHOP RUBEN DEWAYNE,**

**Plaintiff,**

**v.**

**THE UNITED STATES, et al.,**

**Defendants.**

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**Case No. 20-cv-00515 (APM)**

**MEMORANDUM OPINION**

Pro se Plaintiff Bishop Ruben DeWayne filed this action against the United States, J.P. Morgan Mortgage Acquisition Corp., and Mortgage Electronic Registration Systems, Inc. *See* Compl., ECF No. 1, ¶¶ 3–5. Although Plaintiff styles his Complaint as a “Civil R.I.C.O. Action,” *see id.* at 1, his actual listed causes of action are for “Unfair and Deceptive Acts in Commerce,” “Placed False and Misleading Information on Recorded [sic],” and “Slander and Defamation of Character,” *id.* ¶¶ 52–61. These claims appear to be predicated on a series of prior lawsuits filed by either Plaintiff or one Leitta Brooks concerning a mortgage foreclosure, and Plaintiff’s unhappiness with the adverse decisions made by various federal judges in the District of Massachusetts (whom Plaintiff refers to as “culpable thugs”). *See, e.g., id.* ¶¶ 21, 33–44. For the following reasons, this action is dismissed with prejudice.


*First*, the court lacks subject matter jurisdiction with respect to any claims against the United States. Plaintiff offers no ground for waiver of the United States’ sovereign immunity. *See Buaiz v. United States*, 471 F. Supp. 2d 129, 134 (D.D.C. 2007) (“It is a bedrock principle of American law that the United States, as sovereign, is immune from suit unless Congress has



expressly waived that immunity . . . . [F]ederal courts lack subject matter jurisdiction over suits against the United States in the absence of a waiver.” (citations omitted)); *see also Davis v. United States*, 196 F. Supp. 3d 106, 113 (D.D.C. 2016) (“The plaintiff bears the burden of establishing both the court’s statutory jurisdiction and the government’s waiver of its sovereign immunity.” (internal quotation marks and citation omitted)). To the extent Plaintiff’s claims against the United States can be construed as sounding in tort, there is no indication that he has complied with the jurisdictional notice requirements of the Federal Tort Claims Act (“FTCA”). *See Bowden v. United States*, 106 F.3d 433, 441 (D.C. Cir. 1997). Finally, Plaintiff has failed to state any plausible claim against the United States under the FTCA.

*Second*, the court lacks subject matter jurisdiction with respect to the claims against the other Defendants because the Complaint fails to present a “substantial federal question.” *See Shapiro v. McManus*, 136 S. Ct. 450, 455 (2015). Reading his Complaint generously, Plaintiff asserts a single cause of action under the civil RICO statute, but that claim is “wholly insubstantial and frivolous.” *Id.* at 455–56 (quoting *Bell v. Hood*, 327 U.S. 678, 682–83 (1946)). The alleged acts making up that RICO claim are either fabulous or involve the immune actions of federal judges. *See* Compl. ¶¶ 34–44. Moreover, even if Plaintiff manages to clear the “low” bar of substantiality, *see Shapiro*, 136 S. Ct. at 456, he has not plausibly pleaded a RICO claim. He identifies no valid predicate racketeering activity, *see* 18 U.S.C. § 1961(1); nor does he set forth any plausible pattern of such activity or a RICO enterprise, *see H.J. Inc. v. Nw. Bell Tel. Co.*, 492 U.S. 229, 242–43 (1989). Absent a plausible RICO cause of action, the court declines to exercise supplemental jurisdiction over Plaintiff’s state-law claims. *See* 28 U.S.C. § 1367(c)(3).

*Finally*, venue is improper in this District, as none of the events giving rise to the claim occurred here, nor is the property at issue located in Washington, D.C. *See* 28 U.S.C. § 1391(b).

  
Amit P. Mehta  
United States District Court Judge

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 20-5275**

**September Term, 2020**

**1:20-cv-00515-APM**

**Filed On: April 9, 2021**

Ruben Dewayne, Bishop,

Appellant

v.

United States, et al.,

Appellees

**BEFORE:** Pillard, Katsas, and Walker, Circuit Judges

**ORDER**

Upon consideration of the petition for rehearing, it is

**ORDERED** that the petition be denied.

**Per Curiam**

**FOR THE COURT:**

Mark J. Langer, Clerk

BY: /s/

Daniel J. Reidy

Deputy Clerk

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