

## TABLE OF EXHIBITS

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**UNPUBLISHED****UNITED STATES COURT OF APPEALS  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

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**No. 20-1968**

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MICHAEL D. WEBB, a/k/a Major Mike Webb, d/b/a Major Mike Webb for U.S. Congress, d/b/a/ Friends for Mike Webb,

Petitioner - Appellant,

v.

RALPH S. NORTHAM, in official and individual capacity; STATE BOARD OF ELECTIONS; MARK HERRING, in official and individual capacity; COUNTY OF ARLINGTON,

Respondents - Appellees.

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Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. M. Hannah Lauck, District Judge. (3:20-cv-00497-MHL)

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Submitted: June 29, 2021

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Decided: July 1, 2021

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Before HARRIS, RICHARDSON, and RUSHING, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Michael David Webb, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

## PER CURIAM:

Michael D. Webb appeals the district court's order dismissing his amended civil complaint under 28 U.S.C. § 1915(e)(2)(B). We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. *Webb v. Northam*, No. 3:20-cv-00497 (E.D. Va. Aug. 25, 2020). 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*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**MICHAEL D. WEBB,**

**Plaintiff,**

**v.**

**Civil Action No. 3:20CV497**

**RALPH NORTHAM, et al.,**

**Defendants.**

**ORDER**

On June 30, 2020, *pro se* Plaintiff Michael D. Webb filed an application to proceed *in forma pauperis* together with an initial Complaint. (ECF No. 1.) The Court provisionally filed Webb's initial Complaint after finding that he qualified to proceed *in forma pauperis*. (ECF No. 2.) The Court ordered Webb to file, no later than August 3, 2020, a Ghostwriting Form in accordance with Local Rule 83.1(M), and an Amended Complaint, "which outlines in simple and straightforward terms why [he] thinks that he is entitled to relief and why the Court has jurisdiction over his case." (July 2, 2020 Order 2, ECF No. 2.)

On August 3, 2020, Webb timely filed his Amended Complaint (the "Amended Complaint"), (ECF No. 4), along with the requisite Ghostwriting Form. The Court now considers the Amended Complaint in accordance with the *in forma pauperis* statute.

A district court must screen a civil action filed *in forma pauperis* and may summarily dismiss that action, or any portion of the action, if, for example, it fails to state a claim on which

relief may be granted. 28 U.S.C. § 1915(e)(2)(B).<sup>1</sup> Such dismissal for failure to state a claim turns on the sufficiency of the factual allegations in the complaint. *See Neitzke v. Williams*, 490 U.S. 319, 327 (1989) (discussing *in forma pauperis* statute's *sua sponte* dismissal provision, which affords judge authority to "pierce the veil of the complaint's factual allegations and dismiss those claims whose factual contentions are clearly baseless").

Federal Rule of Civil Procedure 8 requires a showing of entitlement to relief, more than just bare allegations. *Francis v. Giacomelli*, 588 F.3d 186, 192 (4th Cir. 2009). Although this pleading standard does not require detailed factual allegations, *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009), the well-pleaded facts must "permit the court to infer more than the mere possibility of misconduct," *Francis*, 588 F.3d at 193. In evaluating the allegations in the Complaint, the Court need not accept as true "legal conclusions couched as factual allegations." *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555–56 (2007). "Labels, conclusions, recitation of a claim's elements, and naked assertions devoid of further factual enhancement will not suffice to meet the Rule 8 pleading standard." *ACA Fin. Guar. Corp. v. City of Buena Vista, Va.*, 917 F.3d 206, 211 (4th Cir. 2019) (citation omitted).

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<sup>1</sup> That subsection of the statute provides:

Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court *shall dismiss* the case at any time if the court determines that--

- (A) the allegation of poverty is untrue; or
- (B) the action or appeal--
  - (i) is frivolous or malicious;
  - (ii) fails to state a claim on which relief may be granted; or
  - (iii) seeks monetary relief against a defendant who is immune from such relief.

28 U.S.C. § 1915(e)(2)(B) (emphasis added).

While long-standing practice requires a court to construe *pro se* pleadings liberally, *Hill v. Braxton*, 277 F.3d 701, 707 (4th Cir. 2002), the principles requiring liberal construction are “not . . . without limits,” *Beaudett v. City of Hampton*, 775 F.2d 1274, 1278 (4th Cir. 1985). A court need not “assume the role of advocate” nor attempt “to discern the unexpressed intent of the plaintiff.” *Laber v. Harvey*, 438 F.3d 404, 413 n.3 (4th Cir. 2006).

Webb’s Amended Complaint does not satisfy the requirements of Federal Rule of Civil Procedure 8. The Amended Complaint, which spans thirty-seven pages, names the Defendants and criticizes Virginia’s mask requirements, which the Governor imposed during the ongoing COVID-19 pandemic. (Am. Compl. 19, ECF No. 4.) The Amended Complaint also seems to suggest that Virginia’s current mask and social distancing requirements, which are intended to help curb the virus, discriminate against religion. (*Id.* 4, 19.) But the Amended Complaint, despite its length, does not set forth a cognizable legal claim or cause of action.

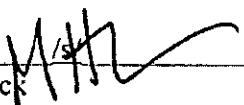
Webb also references a July 22, 2020 hearing, which appears to have taken place in another court or legal setting. (*Id.* 24.) The Court cannot discern what took place at the hearing or how this Court may have jurisdiction over a different legal action. In any event, the Amended Complaint lacks factual allegations to substantiate these claims. Even liberally construing Webb’s Amended Complaint, the Court cannot identify Webb’s specific claims or any facts supporting his claims, let alone evaluate those facts to determine whether relief is appropriate. Although the Court must liberally construe a *pro se* litigant’s pleadings when determining whether such pleadings satisfy Rule 8, Webb’s Amended Complaint does not satisfy the requirements of that Rule. Because Webb fails to state a claim in his Amended Complaint, no defendant should be called to answer these enigmatic allegations.

The Court previously provided Webb the opportunity to amend his complaint, allowing him to explain his cause of action and this Court's jurisdiction. Because the Court offered Webb an opportunity to address the deficiencies in his initial complaint, to state a claim, and to explain why the Court has jurisdiction over his case—the Court presumes that Webb has stated his best case. For this reason, the Court DISMISSES WITH PREJUDICE Webb's Amended Complaint, (ECF No. 4).

Should Webb wish to appeal this Order, written notice of appeal must be filed with the Clerk of Court within thirty (30) days of the date of entry hereof. Failure to file a notice of appeal within the stated period may result in the loss of the right to appeal.

Let the Clerk send a copy of this Order to Webb at his address of record.

It is SO ORDERED.

  
M. Hannah Lauck  
United States District Judge

Date: August 25, 2020  
Richmond, Virginia

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