

FILED: June 8, 2021

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 20-7036
(5:19-cv-03302-BO)

ROBERT L. HEDRICK

Plaintiff - Appellant

v.

UNITED STATES OF AMERICA; DR. PATRICK CRAFT; OFFICER CUNNINGHAM; OFFICER CAMPBELL; OFFICER WILLIAMS; OFFICER STANCIL; SIS OFFICER CONYER; A. W. RUPSKA

Defendants - Appellees

JUDGMENT

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

PER CURIAM:

Robert L. Hedrick appeals the district court's order dismissing his civil action. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. *See Hedrick v. United States*, No. 5:19-ct-03302-BO (E.D.N.C. June 26, 2020). We grant in part and deny in part Hedrick's motion to seal (ECF No. 6), by sealing his declaration filed at ECF No. 11, but otherwise denying the motion to seal. *See* 4th Cir. R. 25(c)(2)(A)(iii). 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 NORTH CAROLINA
WESTERN DIVISION

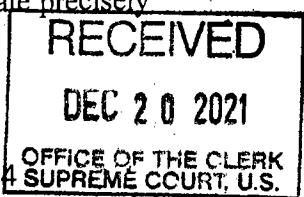
NO. 5:19-CT-3302-BO

ORDER

Plaintiff Robert L. Hedrick (“plaintiff”), a federal inmate, filed the instant action *pro se* pursuant to the Federal Torts Claim Act (“FTCA”) 28 U.S.C. § 2672, *et seq.*, and Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971). The matter is before the court on plaintiff’s response to this court’s April 28, 2020, order allowing him to file an amended complaint. The court now conducts a review of plaintiff’s amended complaint pursuant to 28 U.S.C. § 1915(e)(2)(B).

On April 28, 2020, the court notified plaintiff that his voluminous filings violated Federal Rule of Civil Procedure 8. Rule 8 provides: “A pleading that states a claim for relief . . . must contain . . . a short and plain statement of the claim showing that the pleader is entitled to relief” Fed. R. Civ. P. 8(2). Rule 8 also requires that each allegation “be simple, concise, and direct.” Fed. R. Civ. P 8(d)(1). The court allowed plaintiff an opportunity to amend his complaint to comply with Rule 8. The order instructed plaintiff that “[a]ny amended complaint should state precisely

APPENDIX E



whom plaintiff seeks to name as defendants and avoid unnecessary details.” See ((DE 27), p. 4). The order further directed him that “[a]ny amended complaint must be shorter and clearer than the filing already made.” Id. The court specified the type of information necessary for the amended complaint to comply with Rule 8. The court informed plaintiff that the amended complaint would be considered the complaint in its entirety. Id. The court additionally informed plaintiff that he may not bring unrelated claims against unrelated parties. See Fed. R. Civ. P. 18(a), 20(a)(1); George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007). Finally, the court dismissed without prejudice plaintiff’s claims arising at the Federal Correctional Institution Fort Dix, located in New Jersey for improper venue.

In his amended pleading, plaintiff states that “[t]he acts committed by the Defendants at FCI-Butner were a direct continuation of the attempts by the first two-man ‘hit team’ consisting of Rafael Angel Avalos and Medrano which occurred ten (10) days after [his] trial and before sentencing.” ((DE 30), p. 5). Plaintiff’s filing is fragmented, fantastical, and difficult to follow. See United States v. Hedrick, 735 F. App’x 163, 164 (5th Cir. 2018) (“Hedrick has a history of filing pleadings in the district court and this court raising fantastic claims centering on a wide-ranging conspiracy involving a drug cartel, federal prosecutors, law enforcement, and a federal judge arising out of an effort to frame him on child pornography charges and murder him so that the cartel could import contraband into the country using Hedrick’s cargo facility.”) (quotation omitted).¹ Plaintiff’s complaint, additionally, contains several unrelated claims against unrelated parties at correctional institutions located in several different states. It is difficult to discern which claims arose at Butner, and plaintiff

¹ The Fifth Circuit, additionally, has sanctioned plaintiff due to his history of frivolous, repetitive, and abusive filings. See Hedrick, 735 F. App’x at 164; United States v. Hedrick, 647 F. App’x 433, 433-34 (5th Cir. 2016).

has not alleged facts sufficient to put the named defendants on notice of the claims against them. Plaintiff, instead, makes several conclusory, fantastical, and nonsensical allegations, which are insufficient to state a constitutional claim. See Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (“Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice”); Denton v. Hernandez, 504 U.S. 25, 33 (1992); Armstead v. United States Office of the President, No. 3:19-1722-MBS-BM, 2019 WL 4262437, at * 2 (D.S.C. Aug. 9, 2019) (“Plaintiff’s Complaint is subject to dismissal because it is characterized by what some courts have described as “buzzwords” or “legalistic gibberish.”) (citations omitted), adopting R&R, 2019 WL 4257103 (Sep. 9, 2019).

Based upon the foregoing, the court finds that plaintiff failed to comply with its April 28, 2020, order. The court instructed plaintiff that failure to comply with any aspect of its April 28, 2020 order would result in dismissal of this action without prejudice. As a result, the matter is DISMISSED without prejudice for failure to comply with this court’s April 28, 2020 order, and with Rule 8 of the Federal Rules of Civil Procedure.² See, e.g., North Carolina v. McGuirt, 114 F. App’x 555, 558 (4th Cir. 2004) (per curiam) (citing United States ex rel. Garst v. Lockheed-Martin Corp., 328 F.3d 374, 378 (7th Cir. 2003)); see Holsey v. Collins, 90 F.R.D. 122 (D.Md. 1981) (finding that the complaint violated Rule 8 because it placed “an unjustifiable burden on defendants to determine the nature of the claim against them and to speculate on what their defenses might be” and imposed

²Although the court dismisses the action without prejudice, the court concludes that plaintiff cannot cure the defects in his complaint by amendment in this action. Cf. Goode v. Cent. Va. Legal Aid Soc’y, Inc., 807 F.3d 619, 623–24 (4th Cir. 2015); see also, Grady v. White, 686 F. App’x 153, 154 (4th Cir. 2017); see also, Brockington v. Havner, No. 4:19-cv-01752-RBH, 2019 WL 5060594, at *2 (D.S.C. Oct. 9, 2019) (dismissing complaint without prejudice “to Plaintiff’s ability to file another complaint in a new case.”).

“a similar burden on the court to sort out the facts now hidden in a mass of charges, arguments, generalizations and rumors.”). The Clerk of Court is DIRECTED to close this case.

SO ORDERED, this the 25 day of June, 2020.


TERRENCE W. BOYLE
Chief United States District Judge