

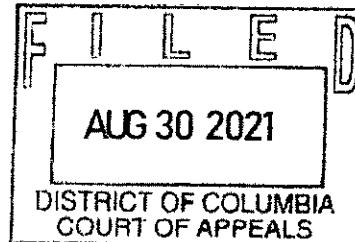
District of Columbia
Court of Appeals

No. 21-DA-1

TEJ BAHADUR KARKI

Applicant,

v.



2021 SC4 16

DEPARTMENT OF HOMELAND SECURITY, *et al.*,
Respondents.

BEFORE: Glickman and Deahl, Associate Judges, and Nebeker, Senior Judge.

O R D E R

On consideration of applicant's motion to proceed *in forma pauperis* and the lodged application for allowance of appeal, it is

ORDERED that applicant's motion to proceed on appeal *in forma pauperis* is granted and the Clerk shall file the lodged application. It is

FURTHER ORDERED that the application for allowance of appeal is denied. Applicant has failed to show "apparent error or a question of law which has not been but should be decided by this court." *See* D.C. Code § 11-721(c) (2012 Repl.); *Karath v. Generalis*, 277 A.2d 650, 651 (D.C. 1971).

PER CURIAM

Copies e-mailed to:

Honorable Anthony C. Epstein

QMU – Civil Division

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

TEJ BAHADUR KARKI

v.

Case No. 2021 SC4 000016

DEPARTMENT OF HOMELAND
SECURITY, *et al.*

ORDER

The Court denies plaintiff Tej Bahadur Karki leave to file a new complaint and therefore denies as moot his application for a fee waiver.

On October 22, 2018, the Court issued an order requiring Mr. Karki to seek leave from the Court if he attempts to file a new complaint because he habitually filed frivolous complaints that imposed a significant burden on the Court. The order also required Mr. Karki to include (1) a motion for leave to file with any new complaint, (2) a copy of the order, and (3) a declaration or affidavit meeting specified requirements.

On August 12, 2021, Mr. Karki filed a statement of claim against the Department of Homeland Security (“DHS”) and the U.S. Citizenship and Immigration Service (“USCIS”), which is part of DHS. Mr. Karki complains that USCIS denied his N-336 application for naturalization. He filed his claim in small claims court and asks for \$10,000 in damages.

The Court denies Mr. Karki leave to file this complaint. Civil Rule 8(a)(2) (which applies under Small Claims Rule 2) requires an initial pleading to contain “a short and plain statement of the claim showing that the pleader is entitled to relief,” and Small Claims Rule 3(a)(2) provides that “[t]he statement of claim must contain a simple but complete statement of the plaintiff’s claim.” To satisfy these requirements, a complaint must contain a “short and plain statement of the claim showing that the pleader is entitled to relief.” *See Potomac Development*

Corp. v. District of Columbia, 28 A.3d 531, 544 (D.C. 2011) (cleaned up). “To pass muster, a complaint must be specific enough to give the defendant fair notice of what the claim is and the grounds upon which it rests.” *Tingling-Clemons v. District of Columbia*, 133 A.3d 241, 245 (D.C. 2016) (cleaned up). Detailed factual allegations are not required but there must be “more than an unadorned, the-defendant-unlawfully-harmed-me accusation.” *Potomac Development Corp.*, 28 A.3d at 544) (cleaned up).

Mr. Karki represents himself without a lawyer. However, “[a] court’s duty to construe a pro se complaint liberally does not permit a court to uphold completely inadequate complaints.” *Elmore v. Stevens*, 824 A.2d 44, 46 (D.C. 2003). Accordingly, courts may dismiss complaints that provide only “a confused and rambling narrative of charges” that are “neither plainly nor concisely stated” and does not allege “with even modest particularity the dates and places of the transactions of which he complains.” *Brown v. Califano*, 75 F.R.D. 497, 499 (D.D.C. 1977) (collecting cases); *see Kidd v. District of Columbia*, 2010 U.S. Dist. LEXIS 2503, at *2 (D.D.C. Jan. 8, 2010) (dismissing a complaint by a self-represented person that “consists of disconnected, incomprehensible statements”).

Mr. Karki does not give DHS fair notice of his claim and its basis. He does not explain any error that DHS committed in denying his application or why he is entitled to \$10,000 in damages because of the denial. His references to his family and disability are incomprehensible and do not appear to relate to anything DHS did. Accordingly, Mr. Karki’s complaint does not state a claim upon which relief can be granted.

This is reason enough to deny Mr. Karki leave to file this complaint. The Court adds that he did not comply with the other requirements of the 2018 order, including filing a motion for leave to file the complaint.

Because the Court denies Mr. Karki leave to file this complaint, his application for a fee waiver is moot.

For these reasons, the Court orders that:

1. Plaintiff is denied leave to file his complaint.
2. Plaintiff's application for a fee waiver is denied as moot.

Anthony C Epstein

Anthony C. Epstein
Judge

Date: August 16, 2021

Copy by U.S. mail to:

Tej Bahadur Karki
PO Box 58097
Washington, DC 20037
Plaintiff

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION
SMALL CLAIMS BRANCH**

In re: TEJ BAHADUR KARKI

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2019 SC4 000003

In re: TEJ BAHADUR KARKI

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2019 SC4 000004

In re: TEJ BAHADUR KARKI

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2019 SC4 000005

In re: TEJ BAHADUR KARKI

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2019 SC4 000006

In re: TEJ BAHADUR KARKI

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2019 SC4 000007

In re: TEJ BAHADUR KARKI

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2019 SC4 000008

In re: TEJ BAHADUR KARKI

2019 SC4 000009

In re: TEJ BAHADUR KARKI

2019 SC4 000010

ORDER DENYING MOTIONS FOR LEAVE TO FILE NEW COMPLAINT

This matter comes before the Court on two (2) Motions for Leave to File New Complaint, filed on October 8, 2019; two (2) Motions for Leave to File New Complaint, filed on October 9, 2019; two (2) Motions for Leave to File New Complaint, filed on October 10, 2019; and two (2) Motions for Leave to File New Complaint, filed on October 15, 2019. Mr. Karki is required by the Court to seek leave of Court prior to filing any new complaints, pursuant to the Court's October 22, 2018 Order. The injunction prevents Mr. Karki from filing any new complaints without first seeking leave of Court to do so. In seeking leave of Court, Mr. Karki is required to attach a complete copy of the October 22, 2018 Order and a notarized statement or declaration conforming to the requirements of D.C. Code § 16-5306. Mr. Karki includes a copy of the October 22, 2018 Order with each of his eight Motions, but in each fails to submit the required statement or declaration. As such, Mr. Karki's Motions are denied.

Additionally, the proposed complaints accompanying Mr. Karki's Motions fail to allege any facts upon which relief may be granted. A complaint, at a minimum, must contain a short and plain statement of the claim showing the plaintiff is entitled to relief. Super. Ct. Civ. R. 8. Such a statement must give the opposing party fair notice of what the plaintiff's claim is and the grounds upon which it rests. *Bolton v. Bernabei & Katz, PLLC*, 954 A.2d 953, 963 (D.C. 2008).

Although a complaint is not required to contain “detailed factual allegations...it demands more than an unadorned, the-defendant-unlawfully-harmed-me accusation.” *Potomac Dev. Corp. v. Dist. of Columbia*, 28 A.3d 531, 543-44 (D.C. 2011). Factual allegations leveled in a complaint “must be enough to raise a right to relief above the speculative level.” *Clampitt v. Am. Univ.*, 957 A.2d 23, 29 (D.C. 2008) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)).

None of Mr. Karki’s complaints state a claim upon which relief may be granted. In 2019 SC4 4, he alleges that that a “nurse doctor” at Defendant Elmhurst Hospital advised him concerning peptic ulcer disease. Mot. at 8. In 2019 SC4 5, Mr. Karki alleges that “different communications hackers peoples” are sending him thousands of emails, which are being automatically deleted. Mot. at 8. In 2019 SC4 7, Mr. Karki alleges that in 2003, Defendant Dr. Sharma Biswabandhu gave him “criminal medicine” for various injuries. Mot. at 8. Mr. Karki also alleges in 2019 SC4 8, that a hospital gave him “mental health medicine.” Mot. at 8. Mr. Karki makes three similar allegations regarding different defendants giving him mental health medicine. He alleges that he was given mental health medicine to recover from numbness and peptic ulcer disease in 2019 SC4 6, instead of treatment for internal injuries in 2019 SC4 9, and for a root canal surgery in 2019 SC4 10. Mots. at 8. Finally in 2019 SC4 3, Mr. Karki’s alleges that since 2006 he has been given mental health medication by a hospital and alleges that “public peoples” threatened to murder him and his father while he was at the “mental health department.” Mot. at 9.

None of Mr. Karki’s complaints sufficiently state a claim for relief. His statements either fail to allege any facts against the named defendants and/or show his right to relief is more than speculative. *See Clampitt*, 957 A.2d at 29. Moreover, in all of Mr. Karki’s Motions, as well as the proposed complaints, he requests that the “Court to not to process this case...because I have

been eating surgical medicine." *See generally*, Mots. at 1. It is therefore unclear if Mr. Karki even wishes to proceed with any claim. As such, the Motions are denied. Wherefore, it is this 17th day of April, 2020, hereby:

ORDERED, that Mr. Karki's Motion for Leave to File New Complaint in case 2019 SC4 000003 is **DENIED**; it is further

ORDERED, that Mr. Karki's Motion for Leave to File New Complaint in case 2019 SC4 000004 is **DENIED**; it is further

ORDERED, that Mr. Karki's Motion for Leave to File New Complaint in case 2019 SC4 000005 is **DENIED**; it is further

ORDERED, that Mr. Karki's Motion for Leave to File New Complaint in case 2019 SC4 000006 is **DENIED**; it is further

ORDERED, that Mr. Karki's Motion for Leave to File New Complaint in case 2019 SC4 000007 is **DENIED**; it is further

ORDERED, that Mr. Karki's Motion for Leave to File New Complaint in case 2019 SC4 000008 is **DENIED**; it is further

ORDERED, that Mr. Karki's Motion for Leave to File New Complaint in case 2019 SC4 000009 is **DENIED**; it is further

ORDERED, that Mr. Karki's Motion for Leave to File New Complaint in case 2019 SC4 000010 is **DENIED**; it is further

SO ORDERED.

Copies to:

Tej Bahadur Karki
425 2nd Street NW
Third Floor
Washington, DC 20001

Small Claims Clerk's Office



Laura A. Cordero
Presiding Judge, Civil Division

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