Appendix - C

[DO NOT PUBLISH]

In the

United States Court of Appeals

For the Eleventh Circuit

No. 21-11754

Non-Argument Calendar

RICHARD MORRISON,

Plaintiff-Appellant,

versus

CCA CORR - CIVIL,
Coffee's Private Prison,
SECRETARY OF STATE FOR THE STATE OF GEORGIA,
U.S. ELEVENTH CIRCUIT COURT OF APPEALS,
DEPARTMENT OF ADMINISTRATIVE SERVICES,

Defendants-Appellees.

" Nowl "

Appeal from the United States District Court
for the Middle District of Georgia
D.C. Docket No. 7:20-cv-00238-HL-TQL

Before ROSENBAUM, GRANT, and BRASHER, Circuit Judges.

PER CURIAM:

Richard Morrison, a prisoner currently incarcerated at the Wilcox State Prison in Abbeville, Georgia, appeals *pro se* the district court's denial of his motion for reconsideration and dismissal of his writ of mandamus without prejudice. Morrison argues that the district court violated his constitutional rights to due process and equal protection in large part by failing to inform him of the court's filing fees before dismissing his claims for failure to state a claim upon which relief may be granted. Finding no error in the district court's decision, we affirm.

Morrison filed a writ of mandamus requesting that the district court compel this Court and the Georgia Secretary of State to foreclose on commercial liens and outstanding debts allegedly owed by the Department of Administrative Services and CoreCivic. Initially, he paid a portion of the district court's filing fee. He then filed over a dozen motions, prompting the district court to order him to pay the remainder of the filing fee and recast his claims in a single complaint. Morrison paid the balance of the fee but otherwise failed to comply with the order, so the district court eventually dismissed his claims with prejudice.

We review a district court's decision to dismiss a prisoner's complaint for failure to state a claim *de novo*. *Alba v. Montford*, 517 F.3d 1249, 1252 (11th Cir. 2008). A complaint fails to state a claim if it does not include "sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quotation omitted).

The Prison Litigation Reform Act requires district courts to screen prisoner-filed complaints that seek redress from a government entity, officer, or employee. 28 U.S.C. § 1915A(a). *Pro se* pleadings, including those filed by prisoners, are "held to a less stringent standard than pleadings drafted by attorneys and will, therefore, be liberally construed." *Miller v. Donald*, 541 F.3d 1091, 1100 (11th Cir. 2008) (quotation omitted). However, a court must dismiss the complaint if it is "frivolous, malicious, or fails to state a claim upon which relief may be granted." 28 U.S.C. § 1915A(b). A claim is frivolous under the Act if it lacks an arguable basis either in law or in fact. *Miller*, 541 F.3d at 1100. Thus, when conducting a preliminary screening, "wildly implausible allegations in the complaint should not be taken to be true, but the court ought not penalize the litigant for linguistic imprecision in the more plausible allegations." *Id.*

Morrison's claims were properly dismissed. None of the allegations in his filings are remotely plausible. For example, he contends that an unspecified party created and sold bonds in his name for "vast profitable monetary gains of millions and millions" of dollars. Based on this allegation alone, he asked the district court to

enter judgment in his favor for over $200,000,000. Under these circumstances, the district court was not required to accept Morrison's allegations as true. *Miller*, 541 F.3d at 1100. Further, to the extent Morrison contends that the district court erred by requiring him to pay a filing fee, that issue is moot because he paid the fee.

AFFIRMED.

Appendix-A

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

RICHARD MORRISON,	:	
	:	
Plaintiff,	:	
VS.	:	**NO. 7:20-CV-00238-HL-TQL**
	:	
CCA CORR-CIVIL, *et al.*,	:	
	:	
Defendants.	:	
	:	

ORDER

Plaintiff Richard Morrison, a prisoner currently incarcerated at the Wilcox State Prison in Abbeville, Georgia, has filed a *pro se* pleading that has been construed as a petition for a writ of mandamus pursuant to 28 U.S.C. § 1651 (ECF No. 1) and several motions to amend this document and attach exhibits thereto (ECF Nos. 5, 7, 9, 10, 16, 17, 21, 23). Plaintiff has also filed a motion for summary judgment (ECF No. 2), a motion to change venue (ECF No. 4), a motion requesting that Defendants' financial assets be seized (ECF No. 6), a motion requesting "expeditious action" (ECF No. 13), a motion objecting to a notice of deficiency sent by the Clerk's office (ECF No. 14), a motion to confirm service on Defendants (ECF No. 18), and a motion seeking his release (ECF No. 19).

For the following reasons, Plaintiff will be required to (1) pay the remaining $102.00 of the Court's $402.00 filing fee or file a motion for leave to proceed *in forma pauperis* and (2) entirely recast his complaint for relief on the Court's standard form if he wishes to proceed with his claims. Plaintiff's original petition for mandamus (ECF No. 1) and his

pending motions (ECF Nos. 2; 4, 5, 6, 7, 9, 10, 13, 14, 16, 17, 18, 19, 21, 23) are all **DENIED.**

I. Order to Pay Filing Fee

As a preliminary matter, Plaintiff has paid only $300.00 of the $402.00 filing fee required to initiate a civil action in this Court. Plaintiff is therefore **ORDERED** to either pay the remaining $102.00 in full or file a proper and complete motion for leave to proceed *in forma pauperis* showing his present inability to pay this remaining amount within **TWENTY-ONE (21) DAYS** of the date of this Order. The Clerk is **DIRECTED** to mail Plaintiff a copy of the Court's form motion, marked with the case number for the above-captioned action, that Plaintiff may use if he intends to move to proceed *in forma pauperis*.

II. Motion to Change Venue

Plaintiff has also filed a motion to change venue in this case, and he specifically requests "a special-committee and or department to hear and adjudicate the above style case." Mot. Transfer Venue 1, ECF No. 4. Federal law provides that "[f]or the convenience of the parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought[.]" 28 U.S.C. § 1404(a). When a motion to transfer venue is based upon the purported bias of the judge, however, courts have also construed such motions as seeking recusal of the judge pursuant to 28 U.S.C § 144 and 28 U.S.C. § 455. *Fuller v. Hafoka*, Case No. 19-CV-0886 (PJS/BRT), 2020 WL 6731681, at *1 (D. Minn. Oct. 14, 2020) (construing motion to transfer venue as motion to recuse because it was based on bias of

judge); *Rouse v. Cruz*, CV 10-1094 JAP/GBW, 2012 WL 13076271, at *1 (D.N.M. Oct. 5, 2012) (same).

Venue in federal court is proper in a judicial district "in which any defendant resides" and in a district "in which a substantial part of the events or omissions giving rise to the claim occurred." 28 U.S.C. § 1391(b). The district court may, however, "transfer any civil action to any other district or division where it might have been brought or to any district or division to which all parties have consented" as long as the transfer is "[f]or the convenience of parties and witnesses, in the interest of justice[.]" 28 U.S.C. § 1404(a). The burden of establishing the propriety of the transfer is on the moving party. *In re Ricoh Corp.*, 870 F.2d 570, 573 (11th Cir. 1989) (per curiam). In this case, Plaintiff has pleaded no facts that would establish that another forum would be more convenient to any parties or witnesses; indeed, he has not indicated the forum to which he would like this case transferred. Moreover, as discussed below, Plaintiff has not alleged facts sufficient to show that the judges of the Middle District of Georgia are biased against him. As such, Plaintiff has failed to meet his burden under § 1404(a), and his motion to transfer venue is **DENIED.**

To the extent Plaintiff's motion to change venue could be liberally construed as a motion to recuse the undersigned and United States Magistrate Judge Langstaff pursuant to 28 U.S.C. § 455,[1] it should also be denied. Section 455 generally provides that a judge

[1] 28 U.S.C. § 144 also governs recusal, but it requires the moving party to file an affidavit stating that the judge has a personal bias or prejudice against the plaintiff or defendant and providing facts and reasons for the belief that bias or prejudice exists, and the affidavit must be "accompanied by a certificate of counsel of record stating that it is made in good faith." Plaintiff has not filed such an affidavit, and this requirement is strictly enforced. *See, e.g., United States v. Perkins*, 787 F.3d 1329, 1343 (11th Cir. 2015) (finding that the

"shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." 28 U.S.C. § 455(a). The statute also enumerates certain other circumstances requiring a judge to disqualify himself. *Id.* at § 455(b)(1)-(5). Plaintiff appears to suggest that the Court is biased against him because the Court might be hesitant to rule against other government officials. Plaintiff may thus be relying on either subsection (a) or (b)(1).

The standard under subsection (a) is objective and requires the Court to ask "whether an objective, disinterested lay observer fully informed of the facts underlying the grounds on which recusal was sought would entertain significant doubt about the judge's impartiality." *United States v. Patti*, 337 F.3d 1317, 1321 (11th Cir. 2003) (internal quotation marks omitted). In the Eleventh Circuit, "it is well settled that the allegation of bias must show that the bias is personal as distinguished from judicial in nature." *Bolin v. Story*, 225 F.3d 1234, 1239 (11th Cir. 2000) (internal quotation marks and citation omitted) (per curiam); *McWhorter v. City of Birmingham*, 906 F.2d 674, 678 (11th Cir. 1990) ("[The bias] must derive from something other than that which the judge learned by participating in the case."). In this case, Plaintiff has not pointed to any specific facts showing that any

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court did not abuse its discretion by denying litigant's pro se motion for recusal under 28 U.S.C. § 144 because the affidavit did not meet the statute's procedural requirements); *see also Guthrie v. Wells Fargo Home Mortg.*, Civil Action No. 1:13-CV-4226-RWS, 2015 WL 1401660, at *2 (N.D. Ga. Mar. 26, 2015) (collecting cases and finding that "[i]n light of the mandatory and automatic nature of recusal under [§ 144], its potential for abuse, and the availability of other statutory mechanisms pursuant to which an unrepresented litigant may seek the recusal of a federal judge, the absence of [a good faith] certificate has proven fatal to even the § 144 motions of *pro se* litigants"). As such, the Court will assume that Plaintiff intended to proceed solely under § 455.

sort of personal bias exists. The Court is routinely asked to rule against government officials in many types of cases, including prisoner civil rights cases such as this one.

28 U.S.C. § 455(b)(1) requires disqualification where the judge "has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding[.]" "Recusal under this subsection is mandatory, because 'the potential for conflicts of interest are readily apparent.'" *Patti*, 337 F.3d at 1321 (quoting *Murray v. Scott*, 253 F.3d 1308, 1312 (11th Cir. 2001)). Again, Plaintiff has failed to establish any personal or pervasive bias on the part of the Court, and Plaintiff also fails to identify any specific "disputed evidentiary facts" of which the Court might have knowledge. There is accordingly no basis for the Court to recuse. To the extent Plaintiff's motion to transfer can be construed as a motion for recusal, it is **DENIED**.[2]

III. Order to Recast

In addition to Plaintiff's original mandamus petition, Plaintiff has filed numerous documents seeking permission to amend or supplement his petition or add documents

[2] The Court also notes that, "it is well settled that the allegation of bias must show that the bias is personal as distinguished from judicial in nature." *Bolin v. Story*, 225 F.3d 1234, 1239 (11th Cir. 2000) (internal quotation marks and citation omitted) (per curiam). As a result, "a judge's rulings in the same or a related case are not a sufficient basis for recusal," except in rare circumstances where the previous proceedings demonstrate pervasive bias and prejudice. *Id.*; *see also Liteky v. United States*, 510 U.S. 540, 555 (1994) ("[J]udicial rulings alone almost never constitute [a] valid basis for a bias or partiality recusal motion."); *McWhorter v. City of Birmingham*, 906 F.2d 674, 678 (11th Cir. 1990) ("[The bias] must derive from something other than that which the judge learned by participating in the case."). The fact that Plaintiff has filed other cases in this Court—even if he did not receive favorable rulings in those cases—is therefore not a sufficient basis for recusal in and of itself. It should also be noted that Plaintiff has not alleged facts suggesting that *any* judge in this district harbors any sort of impermissible bias against Plaintiff.

thereto. Most of these additions appear to be related to the claims made in the original mandamus petition concerning his "outstanding debts" and "liquidated claims," Pet. 7, ECF No. 1, but in at least one of his filings, Plaintiff appears to raise a claim that prison officials have been deliberately indifferent to the risks posed by the spread COVID-19 at the prison, *see generally* Mot. for Release, ECF No. 19. A plaintiff, however, may set forth only related claims in a single lawsuit. A plaintiff may not join unrelated claims and various defendants in his complaint unless the claims arise "out of the same transaction, occurrence, or series of transactions or occurrences *and* if any question of law or fact common to all defendants will arise in the action." Fed. R. Civ. P. 20 (emphasis added). "[A] claim arises out of the same transaction or occurrence if there is a logical relationship between the claims." *Construction Aggregates, Ltd. v. Forest Commodities Corp.*, 147 F.3d 1334, 1337 n.6 (11th Cir. 1998).

When viewing Plaintiff's numerous filings as a whole, it is unclear which claims he intends to bring against which Defendants, and it is also unclear how any claims he may wish to raise about his "outstanding debts and liquidated claims" are related to any potential claims arising from his current conditions of his confinement. Accordingly, Plaintiff is **ORDERED** to entirely recast his complaint for relief to include all amendments and additional facts he wishes to make a part of his pleading. **The recast complaint must contain a caption that clearly identifies, by name, each individual that Plaintiff has a claim against and wishes to include as a defendant in the present lawsuit. Plaintiff must then list each defendant again in the body of his complaint and tell the Court**

exactly how that individual violated his constitutional rights. Plaintiff should state his claims as simply as possible and need not attempt to include legal citations or legalese.

If, in his recast complaint, Plaintiff fails to link a named defendant to a claim, the claim will be dismissed. Likewise, if Plaintiff makes no allegations in the body of his recast complaint against a named defendant, that defendant will be dismissed. Plaintiff is cautioned that the opportunity to recast is not an invitation for him to include every imaginable claim that he may have against any state official. Plaintiff will not be permitted join claims against multiple defendants in one action unless Plaintiff can establish a logical relationship between the claims.

The Court also notes the majority of Plaintiff's filings bear "hallmarks of the 'sovereign citizen' theory that has been consistently rejected by the federal courts as an utterly frivolous attempt to avoid the statutes, rules, and regulations that apply to *all* litigants, regardless of how they portray themselves." *Mells v. Loncon*, No. CV 418-296, 2019 WL 1339618, at *2 (S.D. Ga. Feb. 27, 2019) (emphasis in original). A so-called "sovereign citizen" generally relies "on the Uniform Commercial Code ('UCC'), admiralty laws, and other commercial statutes to argue that, because he has made no contract with [the court or government], neither entity can foist any agreement upon him." *See United States v. Perkins*, No. 1:10-cr-97-1, 2013 WL 3820716, at *1 (N.D. Ga. July 23, 2013) *aff'd*, 787 F.3d 1329 (11th Cir. 2015). Criminal statutes are "apparently not one of the groups of statutes whose validity [these 'sovereign citizens'] will acknowledge," and as such the prisoner will argue that he cannot be found guilty of any crime. *See id.* Plaintiff's filing also bears at least some indicia of his reliance on the "Redemptionist" theory, which

"propounds that a person has a split personality: a real person and a fictional person called the 'strawman.'" *Monroe v. Beard*, 536 F.3d 198, 203 n.4 (3d Cir. 2009).

> Redemptionists claim that government has power only over the strawman and not over the live person, who remains free. Individuals can free themselves by filing UCC filing statements, thereby acquiring an interest in their strawman. Thereafter, the real person can demand that government officials pay enormous sums of money to use the strawman's name or, in the case of prisoners, to keep him in custody.

Id. Both the "sovereign citizen" and "Redemptionist" theories are frivolous legal theories that have been consistently rejected by federal courts. *See, e.g., Trevino v. Florida*, 687 F. App'x 861, 862 (11th Cir. 2017) (per curiam) (finding plaintiff's sovereign citizen arguments frivolous and "clearly baseless"); *Linge v. State of Georgia Inc.*, 569 F. App'x 895, 896 (11th Cir. 2014) (finding the sovereign citizen argument to be to "wholly insubstantial and frivolous"); *United States v. Hilgeford*, 7 F.3d 1340, 1342 (7th Cir.1993) (rejecting sovereign citizen argument as "shop worn" and frivolous); *Muhammad v. Smith*, No. 3:13-cv-760 (MAD/DEP), 2014 WL 3670609, at *2 (N.D.N.Y. July 23, 2014) (collecting cases and noting that "[t]heories presented by redemptionist and sovereign citizen adherents have not only been rejected by courts, but also recognized as frivolous and a waste of court resources"). Thus, if Plaintiff's refiled complaint rests on either of these theories, it will be subject to dismissal pursuant to 28 U.S.C. § 1915A or other applicable law.

The recast complaint will supersede (take the place of) the original petition (ECF No. 1) and the documents filed in support thereof (ECF No. 5, 7, 9, 10, 16, 17, 21, 23). The Court will not look back to the factual allegations in these pleadings, or any

other documents Plaintiff has filed in this case, to determine whether Plaintiff has stated a cognizable constitutional claim in this case. Accordingly, any fact Plaintiff deems necessary to his lawsuit should be clearly stated in his recast complaint, even if Plaintiff has previously alleged it in another filing. In addition, Plaintiff's original petition (ECF No. 1) and his motion seeking summary judgment on the original petition (ECF No. 2) are **DENIED as moot.** The Clerk is **DIRECTED** to forward a copy of the § 1983 form marked with the case number of the above-captioned action to the Plaintiff. Plaintiff shall have **TWENTY-ONE (21) DAYS** from the date of this Order to submit a recast complaint on this form.

IV. Additional Pending Motions

A. Motion Requesting the "Freezing" of Defendants' Financial Assets

First, Plaintiff has filed a motion seeking an order that would freeze the financial assets of Defendants because this "case and claims consist of affidavits of commercial-liens and owed-unpaid-outstanding-debts" exceeding 200 million dollars. Mot. Req. Freezing of Assets 1-2, ECF No. 6. As previously mentioned, Plaintiff's claims that Defendants owe him millions of dollars because the government "fraudulently and unlawfully obtained and used [Plaintiff's] identity . . . to create fraudulent CQV trust-accounts to pay off debts for the State and Government" appear to be grounded in sovereign-citizen or Redemptionist theory and are plainly frivolous. Mot. Summ. J. 6-7, ECF No. 2. Plaintiff's request to freeze Defendants' financial assets (ECF No. 6) is therefore also frivolous and is **DENIED**.

B. Motion for Release

As noted above, Plaintiff has also filed a motion seeking his release from prison based on Wilcox State Prison's handling of the COVID-19 pandemic. Plaintiff contends "his present environment and age and medical-status or conditions renders him especially vulnerable and detention and incarceration has and continue[s] to compromise [his] access to proper and adequate medical treatment [and] medication." Mot. Release 5, ECF No. 19. As also noted above, this claim does not appear to relate in any way to the claims that comprise the bulk of Plaintiff's other filings. If Plaintiff wishes to pursue an action concerning the conditions of his present confinement, including his exposure to COVID-19, he should file a separate lawsuit making these allegations. The Clerk is **DIRECTED** to mail Plaintiff a blank copy of the Court's standard § 1983 form that Plaintiff may use for this purpose if desired. Plaintiff's motion for release (ECF No. 19) is **DENIED as moot**, given that Plaintiff may file a new claim regarding this issue.

C. Objections to Notice of Deficiency

Plaintiff next files a motion in which he objects to the Clerk's office notifying him that he failed to sign one of his papers in violation of Federal Rule of Civil Procedure 11. Plaintiff appears to contend that he did not receive an opportunity to correct this error and requests that the Court mail back any unsigned papers so that he may sign them. Mot. Obj. 3, ECF No. 14. The only document that was unsigned by Plaintiff was the letter docketed at ECF No. 12. The notice of deficiency was intended only to advise Plaintiff of the requirements of Federal Rule of Civil Procedure 11; he is not required to sign and mail this document back to the Court. As such, Plaintiff's motion (ECF No. 14) is **DENIED as moot.**

D. Remaining Motions

Finally, Plaintiff has filed motions for "expeditious action" in this case (ECF No. 13) and seeking service on Defendants (ECF No. 18). If and when Plaintiff complies with this Order, the Court will screen Plaintiff's recast complaint to determine whether Plaintiff has stated any colorable claims for relief. At that time, the Court will order service of those claims on the appropriate Defendants, if necessary. These motions (ECF Nos. 13, 18) are therefore **DENIED** as moot and/or premature.

V. Conclusion

Based on the foregoing, Plaintiff will be required to (1) pay the remaining $102.00 of the Court's $402.00 filing fee or file a motion for leave to proceed *in forma pauperis* and (2) entirely recast his complaint for relief on the Court's standard form. Plaintiff shall have **TWENTY-ONE (21) DAYS** from the date of this Order to comply. The Clerk is **DIRECTED** to mail Plaintiff a copy of the Court's *in forma pauperis* forms and the standard § 1983 form marked with the case number for the above-captioned action that Plaintiff should use for this purpose. The Clerk is also **DIRECTED** to mail Plaintiff blank copies of these forms that Plaintiff may use if he intends to bring a claim concerning his allegations about COVID-19 exposure at Wilcox State Prison. Plaintiff's original petition for mandamus (ECF No. 1) and his pending motions (ECF Nos. 2, 4, 5, 6, 7, 9, 10, 13, 14, 16, 17, 18, 29, 21, 23) are all **DENIED.**

Plaintiff is further **DIRECTED** to notify the Court of any change of address. **Plaintiff's failure to fully and timely comply with this Order may result in the**

dismissal of this action. There shall be no service of process in this case until further order of the Court.

SO ORDERED, this 6th day of May, 2021.

s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

Appendix-B

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

RICHARD MORRISON,	:	
	:	
Plaintiff,	:	
VS.	:	**NO. 7:20-CV-00238-HL-TQL**
	:	
CCA CORR-CIVIL, *et al.*,	:	
	:	
Defendants.	:	

ORDER OF DISMISSAL

Presently pending before the Court are various pleadings filed by *pro se* Plaintiff Richard Morrison, a prisoner currently incarcerated at the Wilcox State Prison in Abbeville, Georgia. For the following reasons, Plaintiff's motion for reconsideration (ECF No. 37) is **DENIED**, and Plaintiff's claims are **DISMISSED without prejudice.**

I. Motion for Reconsideration

As an initial matter, Plaintiff has filed a motion seeking reconsideration of the Court's May 6, 2021 Order directing the Plaintiff to recast his pleadings on the Court's standard § 1983 form and pay the remaining $102.00 of the Court's $402.00 filing fee. The May 6th Order also denied Plaintiff's remaining motions, most of which sought to amend his original petition for mandamus. *See generally* Order, May 6, 2021, ECF No. 25. Local Rule 7.6 provides that motions for reconsideration shall not be filed as a matter of routine practice. M.D. Ga. R. 7.6. Generally, such motions will only be granted if the movant demonstrates that (1) there was an intervening development or change in controlling law, (2) new evidence has been discovered, or (3) the court made a clear error

DENIED in its entirety.

II. Preliminary Screening

A. Standard of Review

The Prison Litigation Reform Act ("PLRA") obligates the district courts to conduct a preliminary screening of every complaint filed by a prisoner who seeks redress from a government entity, official, or employee. *See* 28 U.S.C. § 1915A(a). When conducting preliminary screening, the Court must accept all factual allegations in the complaint as true. *Boxer X v. Harris*, 437 F.3d 1107, 1110 (11th Cir. 2006) *abrogated in part on other grounds by Wilkins v. Gaddy*, 559 U.S. 34 (2010); *Hughes v. Lott*, 350 F.3d 1157, 1159-60 (11th Cir. 2003). *Pro se* pleadings, like the one in this case, are "held to a less stringent standard than pleadings drafted by attorneys and will, therefore, be liberally construed." *Id.* (internal quotation marks omitted). Still, the Court must dismiss a prisoner complaint if it "(1) is frivolous, malicious, or fails to state a claim upon which relief may be granted; or (2) seeks monetary relief from a defendant who is immune from such relief." 28 U.S.C. §1915A(b).

A claim is frivolous if it "lacks an arguable basis either in law or in fact." *Miller v. Donald*, 541 F.3d 1091, 1100 (11th Cir. 2008) (internal quotation marks omitted). The Court may dismiss claims that are based on "indisputably meritless legal" theories and "claims whose factual contentions are clearly baseless." *Id.* (internal quotation marks omitted). A complaint fails to state a claim if it does not include "sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft v. Iqbal*,

Cir. 1973) (per curiam).[1] To the extent Plaintiff's claims are based on this theory, they are therefore also dismissed.

Similarly, Plaintiff's claim that the federal courts (or any other Defendants) violated 42 U.S.C. § 1986 by turning a blind eye to the alleged fraud and refusing to require the government to pay damages lacks merit. *See, e.g.,* 7th Am. Compl. 3-4, May 12, 2021, ECF No. 26. Under § 1986, a plaintiff may bring a claim "against anyone who has 'knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having the power to prevent or aid in preventing the commission of the same, neglects or refuses so to do.'" *Park v. City of Atlanta*, 120 F.3d 1157, 1159 (11th Cir. 1997). But "[t]he text of § 1986 requires the existence of a § 1985 conspiracy." *Id.* at 1160. Thus, a plaintiff cannot "establish a violation of § 1986 without establishing a violation of § 1985." *Id.* To state a claim for a conspiracy under § 1985, a plaintiff must show:

> (1) a conspiracy; (2) for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; and (3) an act in furtherance of the conspiracy; (4) whereby a person is either injured in his person or property or deprived of any right or privilege of a citizen of the United States.

Id. at 1161 (citing § 1985(3)).

Plaintiff has not pleaded any specific facts establishing that federal actors conspired

[1] In *Bonner v. City of Prichard*, 661 F.2d 1206, 1209 (11th Cir. 1981) (en banc), the Eleventh Circuit adopted as binding precedent all decisions of the former Fifth Circuit handed down prior to close of business on September 30, 1981.

with state actors to take any action, much less that they conspired to deprive Plaintiff of a multimillion-dollar judgment in an unspecified "tort claim." His vague and conclusory claims of a conspiracy are nothing more than speculation, and any potential § 1985 and § 1986 claims are therefore also subject to summary dismissal. *See Cooksey v. Waters*, 435 F. App'x 881, 883 (11th Cir. 2011) (per curiam) (affirming grant of summary judgment on §§ 1985 and 1986 claims where plaintiff had made only "[c]onclusory allegations of discrimination and conspiracy, without more").

III. Conclusion

For the foregoing reasons, Plaintiff's motion for reconsideration (ECF No. 37) is **DENIED,** and Plaintiff's claims are **DISMISSED without prejudice.**

SO ORDERED, this 26th day of July, 2021.

s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE