

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 21-7660

CHARLES A. INKO-TARIAH,

Plaintiff - Appellant,

v.

FEDERAL MEDICAL CENTER BUTNER, NC; ART F. BEELER; RALPH
NEWMAN; BRYON HERBEL; EDWARD LANDIS, III; JEAN ZULA; ROBERT
E. COCHRANE,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of North Carolina, at
Raleigh. James C. Dever III, District Judge. (5:21-ct-03230-D)

Submitted: March 24, 2022

Decided: March 29, 2022

Before MOTZ, WYNN, and RICHARDSON, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Charles A. Inko-Tariah, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.



PER CURIAM:

Charles A. Inko-Tariah appeals the district court's order dismissing his civil action under 28 U.S.C. § 1915(e)(2)(B)(i) as frivolous. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. *Inko-Tariah v. Fed. Med. Ctr. Butner*, No. 5:21-ct-03230-D (E.D.N.C. Nov. 4, 2021). 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. 5:21-CT-3230-D

CHARLES AWUSIN INKO-TARIAH,)
)
Plaintiff,)
)
v.)
)
FEDERAL MEDICAL CENTER, et al.,)
)
Defendants.)

ORDER

On August 6, 2021, Charles Awusin Inko-Tariah ("plaintiff" or "Inko-Tariah"), proceeding pro se, filed a complaint "for deprivation of rights under 42 U.S.C section 1986 and conspiracy to hold him hostage for 15 ½ more years for a total of 20-25 years indefinite commitment 1994-2018" [D.E. 1] (emphasis omitted). The court grants Inko-Tariah's application to proceed in forma pauperis [D.E. 8]. Inko-Tariah moves for appointment of counsel [D.E. 4]. As explained below, the court denies Inko-Tariah's motion for appointment of counsel and dismisses the action.

I.

When a litigant seeks leave to proceed in forma pauperis, the court shall dismiss the case if the court determines the action is frivolous or malicious, or fails to state a claim upon which relief can be granted. See 28 U.S.C. § 1915(e)(2). A frivolous case "lacks an arguable basis either in law or in fact." Neitzke v. Williams, 490 U.S. 319, 325 (1989). "Legally frivolous claims are based on an indisputably meritless legal theory and include claims of infringement of a legal interest which clearly does not exist." Adams v. Rice, 40 F.3d 72, 75 (4th Cir. 1994) (quotations omitted). Factually frivolous claims lack an "arguable basis" in fact." Neitzke, 490 U.S. at 325.

The standard used to evaluate the sufficiency of a pleading is flexible, "and a pro se

complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.” Erickson v. Pardus, 551 U.S. 89, 94 (2007) (per curiam) (quotation omitted). Erickson, however, does not “undermine [the] requirement that a pleading contain ‘more than labels and conclusions.’” Giarratano v. Johnson, 521 F.3d 298, 304 n.5 (4th Cir. 2008) (quoting Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007)); see Ashcroft v. Iqbal, 556 U.S. 662, 677–83 (2009); Coleman v. Md. Court of Appeals, 626 F.3d 187, 190 (4th Cir. 2010), aff’d, 566 U.S. 30 (2012); Nemet Chevrolet, Ltd. v. Consumeraffairs.com, Inc., 591 F.3d 250, 255–56 (4th Cir. 2009); Francis v. Giacomelli, 588 F.3d 186, 192–93 (4th Cir. 2009).

“On September 23, 1999, following verdict of not guilty by reason of insanity on criminal charges, the United States District Court for the District of Columbia found plaintiff suffered from a mental illness and would present a substantial risk of injury to others if released, and thus committed him to the custody of the Attorney General pursuant to 18 U.S.C. § 4243.” Inko-Tariah v. N.C. Relay Serv., No. 5:18-CT-3009-FL, 2018 WL 4905012, at *1 (E.D.N.C. Oct. 9, 2018) (unpublished); see Compl. [D.E. 1] at 2. Inko-Tariah then spent a number of years at the Federal Medical Center in Butner, North Carolina (“FMC Butner”), where he alleges that defendants—all current or former FMC Butner psychologists or psychiatrists—“conspired together to hold him hostage,” attempted to poison him on numerous occasions by “placing poison on inmate foods, drug, orange fruit secretly injected and mixing coffee with deadly poison,” “resorted to campaign of calumny by manipulating the annual evaluation reports . . . to disseminate false and defamatory article stating that he suffers from a ‘serious mental disease,’” and “stole or confiscated two valuable duplicate copies of [a] manuscript . . . with a projected worldwide earning potential of tens of billions of dollars.” Compl. at 2–4 (emphasis omitted); see [D.E. 1-1] 7–8. Inko-Tariah seeks relief under the Racketeer Influenced and Corrupt Organizations Act (“RICO”), 42 U.S.C. § 1986, and the

Federal Tort Claims Act, and requests \$8.5 million in monetary damages. See Compl. at 2–5.

Section 1915 permits federal courts “to pierce the veil of the complaint’s factual allegations and dismiss those claims whose factual contentions are clearly baseless.” Denton v. Hernandez, 504 U.S. 25, 32 (1992) (quotation omitted); see Neitzke, 490 U.S. at 327. Examples of such claims include claims “describing fantastic or delusional scenarios” or claims which are otherwise manifestly “fanciful” or so wholly irrational as to lack any basis in fact. Denton, 504 U.S. at 32–33 (quotation omitted); see Neitzke, 490 U.S. at 325, 328; Adams, 40 F.3d at 74–75. Inko-Tariah’s allegations are baseless, delusional, and wholly irrational. See, e.g., Mot. Hrg. Tr., United States v. Inko-Tariah, No. 1:99-CR-00005-RCL, (D.D.C. July 16, 2021), [D.E. 104] 11–15; McGhee v. Rodriguez, No. 19-cv-0340 JCH-JHR, 2020 WL 5653864, at *3 (D.N.M. Sept. 23, 2020) (unpublished) (collecting cases); Martin v. Trump, No. 3:18-cv-02677-BTM-JLB, 2019 WL 1317331, at *2–3 (S.D. Cal. Mar. 21, 2019) (unpublished); Deyerberg v. Holder, No. C/A No. 10-0671 (JDB), 2010 WL 2131834, at *1 (D.D.C. May 26, 2010) (unpublished), aff’d, 455 F. App’x 1 (D.C. Cir. 2011) (per curiam) (unpublished); Lofton v. Lofton, No. 2000 C 1787, 2000 WL 1508236, at *5 (N.D. Ill. Oct. 10, 2000) (unpublished).

As for Inko-Tariah’s motion for appointment of counsel, no right to counsel exists in civil cases absent “exceptional circumstances.” Whisenant v. Yuam, 739 F.2d 160, 163 (4th Cir. 1984), abrogated in part on other grounds by Mallard v. U.S. Dist. Ct. for S. Dist. of Iowa, 490 U.S. 296 (1989); see Cook v. Bounds, 518 F.2d 779, 780 (4th Cir. 1975). The existence of exceptional circumstances “hinges on [the] characteristics of the claim and the litigant.” Whisenant, 739 F.2d at 163. The facts of this case and Inko-Tariah’s abilities do not present exceptional circumstances. Accordingly, the court denies Inko-Tariah’s request for appointed counsel.

II.

In sum, the court GRANTS plaintiff's application to proceed in forma pauperis [D.E. 8], DENIES plaintiff's motion for appointment of counsel [D.E. 4], and DISMISSES the action WITHOUT PREJUDICE. The clerk shall close the case.

SO ORDERED. This 4 day of November, 2021.

J-Dever
JAMES C. DEVER III
United States District Judge