

UNPUBLISHED**UNITED STATES COURT OF APPEALS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

No. 21-2394

MAJOR MIKE WEBB, d/b/a Friends for Mike Webb, d/b/a Major Mike Webb for U.S. Congress (VA8), d/b/a Major Mike Webb for VA, d/b/a Major Mike Webb for APS Board,

Plaintiff - Appellant,

v.

ANTHONY S. FAUCI, in official and individual capacities; NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASE; ROCHELLE WALENSKY, in official and individual capacities; CENTERS FOR DISEASE CONTROL AND PREVENTION; JANET WOODCOCK, in official and individual capacities; UNITED STATES FOOD AND DRUG ADMINISTRATION; MOHAMMED NORMAN OLIVER, in official and individual capacities; VIRGINIA DEPARTMENT OF HEALTH; PFIZER, INC.; MODERNATX INC.; JOHNSON & JOHNSON INC.; FACEBOOK, INC.; UNIVERSITY OF VIRGINIA; DONALD S. BEYER, in individual and official capacities; TIMOTHY M. KAINE, in official and individual capacities; MARK R. WARNER, in official and individual capacities; JUSTIN M. WILSON, in official and individual capacities; DIONNE HARDY, in official and individual capacities; OFFICE OF MANAGEMENT & BUDGET; JASON S. MIYARES, in official and individual capacities; OFFICE OF THE STATE ATTORNEY GENERAL; GLENN YOUNGKIN, in official and individual capacities; BIONTECH SE; JANSSEN GLOBAL SERVICES, LLC; JENNIFER R. PSAKI, in official and individual capacities; WHITE HOUSE COMMUNICATIONS AGENCY; VIVEK MURTHY, in official and individual capacities; OFFICE OF THE SURGEON GENERAL; LLOYD J. AUSTIN, in official and individual capacities; UNITED STATES DEPARTMENT OF DEFENSE; CHRISTINE E. WORMOTH, in official and individual capacities; DEPARTMENT OF THE ARMY; XAVIER BECCERA, in official and individual capacities; UNITED STATES DEPARTMENT OF HEALTH & HUMAN SERVICES; TED BRITT FORD OF FAIRFAX; RICHARD D. HOLCOLM, in official and individual capacities; VIRGINIA DEPARTMENT OF MOTOR VEHICLES; INGRID H. MORROY, in official and individual capacities; COMMISSIONER OF REVENUE FOR COUNTY OF ARLINGTON; CAPITAL

INVESTMENT ADVISORS, LLC; A-1 TOWING OF NORTHERN VIRGINIA;
JOHN AND JANE DOES,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at
Richmond. M. Hannah Lauck, District Judge. (3:21-cv-00432-MHL)

Submitted: May 24, 2022

Decided: May 26, 2022

Before NIEMEYER, KING, and RICHARDSON, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Michael David Webb, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

FILED: May 26, 2022

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Plaintiff - Appellant

v.

ANTHONY S. FAUCI, in official and individual capacities; NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASE; ROCHELLE WALENSKY, in official and individual capacities; CENTERS FOR DISEASE CONTROL AND PREVENTION; JANET WOODCOCK, in official and individual capacities; UNITED STATES FOOD AND DRUG ADMINISTRATION; MOHAMMED NORMAN OLIVER, in official and individual capacities; VIRGINIA DEPARTMENT OF HEALTH; PFIZER, INC.; MODERNATX INC.; JOHNSON & JOHNSON INC.; FACEBOOK, INC.; UNIVERSITY OF VIRGINIA; DONALD S. BEYER, in individual and official capacities; TIMOTHY M. KAINE, in official and individual capacities; MARK R. WARNER, in official and individual capacities; JUSTIN M. WILSON, in official and individual capacities; DIONNE HARDY, in official and individual capacities; OFFICE OF MANAGEMENT & BUDGET; JASON S. MIYARES, in official and individual capacities; OFFICE OF THE STATE ATTORNEY GENERAL; GLENN YOUNGKIN, in official and individual capacities; BIONTECH SE; JANSSEN GLOBAL SERVICES, LLC; JENNIFER R. PSAKI, in official and individual capacities; WHITE HOUSE COMMUNICATIONS AGENCY; VIVEK MURTHY, in official and individual capacities; OFFICE OF THE SURGEON GENERAL; LLOYD J. AUSTIN, in official and individual

capacities; UNITED STATES DEPARTMENT OF DEFENSE; CHRISTINE E. WORMOTH, in official and individual capacities; DEPARTMENT OF THE ARMY; XAVIER BECCERA, in official and individual capacities; UNITED STATES DEPARTMENT OF HEALTH & HUMAN SERVICES; TED BRITT FORD OF FAIRFAX; RICHARD D. HOLCOLM, in official and individual capacities; VIRGINIA DEPARTMENT OF MOTOR VEHICLES; INGRID H. MORROY, in official and individual capacities; COMMISSIONER OF REVENUE FOR COUNTY OF ARLINGTON; CAPITAL INVESTMENT ADVISORS, LLC; A-1 TOWING OF NORTHERN VIRGINIA; JOHN AND JANE DOES

Defendants - Appellees

J U D G M E N T

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

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

**MAJOR MIKE WEBB, d/b/a FRIENDS FOR
MIKE WEBB, MAJOR MIKE WEBB FOR
CONGRESS (VA8), MAJOR MIKE WEBB
FOR VA and MAJOR MIKE WEBB APS BOARD,**

Plaintiff,

v.

Civil Action No. 3:21CV432

ANTHONY S. FAUCI, *in official and
individual capacities, et al.*

Defendants.

ORDER

On July 7, 2021, *pro se* Plaintiff Mike Webb filed a “Petition for Declaratory Relief, Preliminary Injunction and Writ of Mandamus” along with an Application to Proceed *In Forma Pauperis*. (ECF No. 1.) Webb did not complete the correct form to proceed *in forma pauperis*. Therefore, the Court DIRECTS the Clerk to send a copy of the *in forma pauperis* application to Webb. Webb must complete the form, answering the questions as accurately as possible, and file it with the Court no later than August 16, 2021. Failure to comply with this request will result in the case being dismissed without prejudice.

Webb submitted a Ghostwriting Form with his submission stating that he did not receive assistance in preparing his Petition. *See* E.D. Va. Loc. Civ. R. 83.1(M). However, the Ghostwriting Form does not contain his signature. Therefore, Court ORDERS Webb to file a signed Ghostwriting Form (a copy of which is enclosed) and file it with the Court no later than August 16, 2021. Failure to comply with this request will result in the case being dismissed

without prejudice.

The Court has reviewed the proffered Petition filed by Webb, which the Court liberally construes as a Complaint. Through the Complaint, the Court discerns that Webb seeks to bring claims against Defendants for civil rights or federal law violations stemming from the COVID-19 pandemic. The proffered Complaint does not comply with Federal Rule of Civil Procedure 8, which requires a short and plain statement of the grounds for this Court's jurisdiction and Webb's claims for relief.¹

As a result, the Court ORDERS that the Clerk provisionally file the proffered Complaint; and it is further ORDERED that, no later than August 16, 2021, Webb SHALL file 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. *See* Fed. R. Civ. P. 8(a)(1) and (2).

The amended complaint SHALL COMPLY with the following directions:

1. At the very top of the amended pleading, Webb must place the follow caption in all capital letters: "AMENDED COMPLAINT FOR CIVIL ACTION NUMBER: 3:21cv432."
2. The first paragraph of the particularized amended complaint must contain a list of defendant(s). Thereafter, in the body of the particularized amended complaint, Webb must set forth legibly, in separately numbered paragraphs a short statement of the facts giving rise to his claims for relief. Thereafter, in separately captioned sections, Webb must clearly identify each federal or state law allegedly violated. Under each section, Webb must list each defendant purportedly liable under that legal theory and explain why he believes each defendant is liable to him. Such

¹ The Federal Rules of Civil Procedure require that "[a] pleading that states a claim for relief . . . contain: (1) a short and plain statement of the grounds for the court's jurisdiction, unless the court already has jurisdiction and the claim needs no new jurisdictional support; [and] (2) a short and plain statement of the claim showing that the pleader is entitled to relief" Fed. R. Civ. P. Rule 8(a)(1)–(2). To satisfy Rule 8, Webb must provide the Court with facts and specific allegations to support his claims for relief.

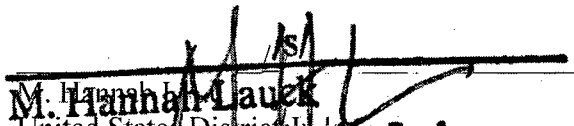
explanation should reference the specific numbered factual paragraphs in the body of the particularized amended complaint that support that assertion.

3. Webb shall also include the relief he requests – what in the law is called a “prayer for relief.”
4. The particularized amended complaint must stand or fall on its own accord. Webb may not reference statements in the prior complaint.
5. The particularized amended complaint must omit any unnecessary incorporation of factual allegations for particular claims and any claim against any defendant that is not well-grounded in the law and fact. *See Sewraz v. Guice*, No. 3:08cv035, 2008 WL 3926443, at *2(E.D. Va. Aug. 26, 2008).

The failure to strictly comply with the Court’s directives and with applicable rules will result in DISMISSAL OF THIS ACTION WITHOUT PREJUDICE for failure to prosecute. *See* Fed. R. Civ. P. 41(b).

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

It is so ORDERED.


M. Hannah Laufer
United States District Judge

Richmond, Virginia
Date: July 13, 2021