

No. USCA11 No. 21-11526

IN THE
SUPREME COURT OF THE UNITED STATES

MICHAEL R. ATRAQCHI AND
IRENE S. ATRAQCHI,

PETITIONERS,

v.

UNITED STATES OF AMERICA, ET AL.,

RESPONDENTS.

On Petition For A Writ of Certiorari To The United
States Court of Appeals For the Eleventh Circuit

**APPENDIX TO THE
PETITION FOR A WRIT OF CERTIORARI**

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APPENDIX A

[DO NOT PUBLISH]

UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

No. 21-11526

MICHAEL R ATRAQCHI, IRENE S ATRAQCHI,
PLAINTIFFS-APPELLEES

verus

UNITED STATES OF AMERICA, BARACK OBAMA,
MICHELLE OBAMA, SHIRLEY SVENSON, MUMTAZ
FARGO, ET.AL., DEFENDANTS-APPELLEES

OPINION OF THE COURT

Appeal from the United States District Court
For the Middle District of Florida
D.C. Docket No. 8:21-cv-00956-MSS-JSS

Before Newsom, Lagoa, and Brasher, Circuit Judges

PER CURIAM:

Pro se plaintiffs Michael and Irene Atraqchi appeal

the *sua sponte* dismissal of their 18 U.S.C. 2520 *in forma pauperis* complaint and motion for a temporary restraining order and preliminary injunction against the United States of America, Barack and Michelle Obama, Wells Fargo Bank, George W Bush, Jimmy Carter, Bill and Hillary Clinton, First United Methodist Church, and hundreds of other defendants. The Atraqchis argue that the district court abused its discretion in dismissing their action as frivolous when, according to them, there is an arguable basis in both law and fact that defendants have formed a “Death Cult,” for the purpose of “impos[ing] religious inquisition upon them.”

District courts have discretion to dismiss frivolous *in forma pauperis* complaints at any stage of the proceedings. 28 U.S.C. 1915 (e)(2)(B)(i). An *in forma pauperis* complaint is “frivolous” when it appears that the plaintiff “has little or no chance of success.” *Carroll v. Gross*, 984 F.2d 392, 393 (11th Cir. 1993). A District court may conclude that plaintiff has little or no chance of success where the allegations are “clearly baseless,” “fanciful,” “fantastic,” “delusional,” or without “an arguable basis either in law or in fact.” *Denton v Hernandez*, 504 U.S. 25, 31, 32-33 (1992). We review such determinations for abuse of discretion. *Id.* at 33.

In their complaint, the Atraqchis assert that the defendants have-

Illegally wiretap[ed] their telephone and [conducted] in electronical surveillances of their Hotels room in the State of Florida, Tampa area, on the train, buses, restaurants, stores, on the streets, hospitals and doctors' offices, and elsewhere and even from the White House, for the purpose of isolating and criminating the Plaintiffs and impose religious inquisition upon them, homosexualize, rape, blackmail, and procure them into a field of interception of illegal wire communications where they will be forced to commit crime against humanity,

...and convert them to Baptist and/or Methodist sect of Christianity from being Muslims, other religions and Christian denominations in violation of the law and U.S. Constitution.

On appeal, they assert that “an individual by the name of Dylann Roof prevented [the Atraqchis’ murder by the death cult] and saved the Atraqchis lives by executing the nine co-conspirators at the basement of the Emanuel AME Church in Charleston, SC.” They also accuse the defendants of “[r]aping [their] daughters and prostituting them and forcing them to blame their [p]arents for the crime.”

Here, the district court did not abuse its discretion in dismissing the *in forma pauperis* actions as “frivolous” under 1915(e)(2)(B)(i). The Atraqchis’ allegations were clearly baseless, fanciful, fantastic, delusional, or lacking any arguable basis in either law or fact. See *Denton*, 504 U.S. at 31-33. The Atraqchis therefore had little or no chance of success. As such, it was within the district court’s discretion to dismiss the complaint and to deny the motion for a temporary restraining order and preliminary injunction *sua sponte*. Accordingly, we affirm.

AFFIRMED.

APPENDIX B

UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

No. 21-11526

MICHAEL R ATRAQCHI, IRENE S ATRAQCHI,
PLAINTIFFS-APPELLEES

verus

UNITED STATES OF AMERICA, BARACK OBAMA,
MICHELLE OBAMA, SHIRLEY SVENSON, MUMTAZ
FARGO, ET.AL., DEFENDANTS-APPELLEES

OPINION OF THE COURT

Appeal from the United States District Court
For the Middle District of Florida
D.C. Docket No. 8:21-cv-00956-MSS-JSS

JUDGMENT

It is hereby ordered, adjudged, and decreed that the opinion issued on this date in this appeal is entered as the judgment of this Court.

Entered: October 15, 2021

For the Court: David J Smith, Clerk of Court

APPENDIX C

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

Case No: 8:21-cv-956-MSS-JSS

MICHAEL R. ATRAQCHI and
IRENE S. ATRAQCHI, Plaintiffs,

v.

UNITED STATES OF AMERICA, *et al.*,
Defendants

ORDER

THIS CAUSE comes before the Court for consideration of Plaintiffs; Applications to Proceed in District Court, Without Prepaying Fees or Costs, (Dkts. 2, 3), and Plaintiffs' Ex parte Emergency Motion for Temporary Restraining Order and Preliminary Injunction. (Dkt 4)

Pro se Plaintiffs Michael R Atraqchi and Irene S Atraqchi brought this action against the United States of America, Barack and Michelle Obama, Wells Fargo Bank, First United Methodist Church, and hundreds of other Defendants. (Dkt 1) Plaintiffs appear to allege that Defendants constitute a "death cult" that has subjected them to "illegal wiretapping and electronical surveillances in violation of the law and the U.S. Constitution." (Id. at 47) Specifically, Plaintiffs claim that Defendants have

illegally wiretapp[ed] their telephone ad [conducted] electronical surveillances of their Hotels room in the State of Florida, Tampa area, on the trains, buses, restaurants, stores, on the streets, hospitals and

doctors' offices, and elsewhere and even from the White House, for the purpose of isolating and criminating the Plaintiffs and impose religious inquisition upon them, homosexualize, rape, blackmail, and procure them into a field of

interception of illegal wire communications where they will be forced to commit crimes against humanity....and convert them to Baptist and/or Methodist sect of Christianity from being Muslims, other religions and Christian denominations in violation of the law and the U.S. Constitution.

(*Id.* at 46-47) Plaintiffs seek leave to proceed *in forma pauperis*. (Dkts. 2, 3) Plaintiffs also seek entry of a temporary restraining order and preliminary injunction enjoining Defendants from "illegally wiretapping the Plaintiffs" and "denying [Plaintiff Michael Atraqchi] the medical care required to allow him to operate surgically and remove" his lipoma. (Dkt. 4 at 1)

The Court may, upon a finding of indigency, authorize the commencement of an action without requiring the prepayment of fees or security therefor. 28 U.S.C. 1915 (a)(1). When an application to proceed *in forma pauperis* is filed, the Court must review the case and dismiss it *sua sponte* if the Court determines the action is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. 1915 (e)(2). An action is frivolous if the allegations are "clearly baseless," "fanciful," "fantastic," "delusional," or "without arguable merit either in law or fact." Denton v. Hernandez, 504 U.S. 25, 31, 32-33 (1992) (quoting Neitzke v. Williams, 490 U.S. 319, 325-28 (1989)). Accordingly, where a district court determines from the face of the complaint that the factual allegations are clearly baseless or the legal theories are indisputably meritless, the court may conclude a case has little or no

chance of success and dismiss the complaint before service of process. Carroll v Gross, 984 F.2d 392, 393 (11th Cir. 1993).

The Complaint in this action is due to be dismissed under that standard. Accordingly, the Court denies Plaintiff's request to proceed *in forma pauperis* and dismisses Plaintiffs' Complaint. See Young v Bush, No. CV 19-01102 -TFM-B, 2021 WL 499043, at *3 (S.D. Ala. Jan. 12, 2021). In light of the dismissal of the Complaint, the Court also denies Plaintiffs' Ex Parte Emergency Motion for Temporary Restraining Order and Preliminary Injunction.

Accordingly, it is ORDERED that:

1. Plaintiffs' Applications to Proceed in District Court Without Prepaying Fees or Costs, (Dkts. 2, 3), are **DENIED**.
2. Plaintiffs' Ex Parte Emergency Motion for Temporary Restraining Order and Preliminary Injunction, (Dkt. 4) is **DENIED**.
3. Plaintiffs' Complaint, (Dkt. 1) is **DISMISSED**.
The Clerk is **DIRECTED** to **CLOSE** this case.

DONE and **ORDERED** in Tampa, Florida, this 23rd day of April 2021.

s/ Mary S. Scriven
United States District Judge

Date: April 23, 2021

Copies furnished to:
Counsel of Record
Any Unrepresented Person

Certified order issued in
lieu of mandate in Case No.
21-11526 and District Court
No. 8:21-cv-956-MSS-JSS