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**ORDER OF THE UNITED STATES COURT OF
APPEALS FOR THE SIXTH CIRCUIT
(JUNE 1, 2022)**

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

LASEAN DEJONG HOUSTON,

Plaintiff-Appellant,

v.

**LASEAN DEJONG HOUSTON,
Individually and Estate of, ET AL.,**

Defendants-Appellees.

Case No. 21-1656

**On Appeal from the United States District Court
for the Eastern District Of Michigan**

**Before: CLAY, ROGERS, and STRANCH,
Circuit Judges.**

Lasean Dejong Houston, a pro se Michigan resident, appeals the district court's judgment dismissing his civil complaint for lack of subject-matter jurisdiction, pursuant to Federal Rule of Civil Procedure 12(h)(3). This case has been referred to a panel of the court that, upon examination, unanimously agrees that oral argument is not needed. *See Fed. R. App. P. 34(a).*

In August 2021, Houston filed his complaint, suing his own estate and a large number of private individuals and state and federal government officials. The complaint is largely unintelligible, and Houston seeks numerous forms of relief, such as the recognition of his rights to several estates, including recognition of his rights in a child; the termination of all his debts, liabilities, obligations, and taxes; a declaration that he is “a private Moor, americas aboriginal illinoisan national, and subject of the Al Maroc Shereefian Empire, but not a citizen of the united states for the district of columbia, nor a citizen of america in congress assembled”; the granting of 1,863 acres of untaxable land; and injunctive relief against compulsory medical treatment and vaccination. Houston also submitted several similarly unintelligible filings and exhibits in support of his complaint.

The district court dismissed the complaint for lack of subject-matter jurisdiction, noting that Houston’s alleged sources of jurisdiction—the 1787 Treaty of Marrakesh; the 1824 Treaty of Tunis; Article VI and Article III, Section Two, Clause One of the United States Constitution; the Judiciary Act of 1789; and the Articles of Confederation—did not suffice to grant the district court federal question jurisdiction over his claims. The district court also noted that complete diversity of citizenship did not exist and that *sua sponte* dismissal was appropriate due to the frivolousness of Houston’s claims. *See Apple v. Glenn*, 183 F.3d 477, 479 (6th Cir. 1999) (per curiam).

On appeal, Houston frames his brief as a “Notice of ‘Good’ Cause” and demands that we show good cause why his assertions are untrue. He includes an affidavit expressing his beliefs about his legal status

and rights, recites the terms of maritime treaties from the 18th and 19th centuries, and asserts that he is subject to only “Shereefian law” and the “Maxims of Equity.” Houston also has submitted supplemental filings that appear to pertain to his claims of ownership of numerous pieces of real property and automobiles and to forfeiture proceedings due to his failure to pay property taxes.

We review *de novo* a district court’s decision to dismiss a complaint for lack of subject matter jurisdiction. *See Janis v. Ashcroft*, 348 F.3d 491, 492 (6th Cir. 2003). A complaint is subject to dismissal if the facts, accepted as true and viewed in the light most favorable to the plaintiff, show that the court lacks subject-matter jurisdiction. *See Carrier Corp. v. Outokumpu Oyj*, 673 F.3d 430, 440 (6th Cir. 2012). Pleadings drafted by pro se litigants should be held to a less stringent standard than those drafted by lawyers and should be liberally construed, *Martin v. Overton*, 391 F.3d 710, 712 (6th Cir. 2004), but pro se litigants are not exempt from the requirements of the Federal Rules of Civil Procedure, *Wells v. Brown*, 891 F.2d 591, 594 (6th Cir. 1989). “If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.” Fed. R. Civ. P. 12(h)(3).

Federal courts have subject-matter jurisdiction in cases “arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331. But Houston’s complaint is largely unintelligible and frivolous because it does not show how any of the defendants violated federal law. “[A] claim invoking federal-question jurisdiction under 28 U.S.C. § 1331 . . . may be dismissed for want of subject-matter jurisdiction . . . if it is immaterial and made solely for the purpose of obtaining

jurisdiction’ or is ‘wholly insubstantial and frivolous.’” *Hamdi ex rel. Hamdi v. Napolitano*, 620 F.3d 615, 624 (6th Cir. 2010) (quoting *Arbaugh v. Y & H Corp.*, 546 U.S. 500, 513 n.10 (2006)). In any case, Houston’s claims have nothing to do with maritime and mercantile disputes near countries on the northern coast of Africa, and his references to the Barbary Treaties from the 18th and 19th centuries are insufficient to raise a colorable claim. See *Knight v. Chatelain*, No. 8:19-cv-206, 2019 WL 2464789, at *5 (D. Neb. June 13, 2019); *Bey v. Jones*, No. 19-cv-2577, 2019 WL 2028703, at *2 (E.D.N.Y. May 8, 2019). Article VI of the Constitution concerns debts that preceded the adoption of the Constitution, the Supremacy Clause, and oaths to support the Constitution, none of which are implicated by the complaint. Article III, Section Two, Clause One generally authorizes jurisdiction in the federal courts, but the “[j]urisdiction of the lower federal courts is further limited to those subjects encompassed within a statutory grant of jurisdiction.” *Ins. Corp. of Ireland, Ltd. v. Compagnie des Bauxites de Guinee*, 456 U.S. 694, 701 (1982). And the Articles of Confederation are no longer in force. Houston also failed to demonstrate diversity jurisdiction under 28 U.S.C. § 1332 because he is domiciled in Michigan, the same state as multiple defendants. See *Owen Equip. & Erection Co. v. Kroger*, 437 U.S. 365, 373 (1978). None of Houston’s wide array of assertions on appeal affects these conclusions.

It is often difficult to ascertain whether a thoroughly frivolous complaint should be dismissed for lack of jurisdiction or for failure to state a claim. To the extent that plaintiff may be said to assert federal question jurisdiction under 28 U.S.C. § 1331, based on various United States treaties and constitutional provisions,

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dismissal is warranted not on jurisdictional grounds but because plaintiff's assertion of a federal-law cause of action was frivolous. Federal district courts generally have jurisdiction to make frivolity determinations regarding whether federal law provides a cause of action.

For the reasons discussed above, we AFFIRM the district court's judgment.

Entered by Order of the Court

/s/ Deborah S. Hunt, Clerk

**ORDER OF THE UNITED STATES COURT OF
APPEALS FOR THE SIXTH CIRCUIT
(JANUARY 21, 2022)**

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

LASEAN DEJONG HOUSTON,

Plaintiff-Appellant,

v.

LASEAN DEJONG HOUSTON,
Individually and Estate of, ET AL.,

Defendants-Appellees.

Case No. 21-1656

Upon consideration of the appellant's motion to
reinstate the case,

And it appearing that the default which led to
dismissal of the appeal has been cured,

It is ORDERED that the motion is GRANTED,
only insofar as it seeks reinstatement of the appeal.

Entered Pursuant to Rule 45(a),
Rules of the Sixth Circuit

/s/ Deborah S. Hunt, Clerk

Issued: January 21, 2022

**OPINION AND ORDER
SUA SPONTE DISMISSING THE CASE
AND DENYING PLAINTIFF'S REQUEST
TO SEAL THE PLEADINGS
(SEPTEMBER 21, 2021)**

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LASEAN DEJONG HOUSTON,

Plaintiff,

v.

LASEAN DEJONG HOUSTON, ET AL.,

Defendants.

Case No. 2:21-cv-11888

Before: Honorable Stephen J. MURPHY, III,
United States District Judge.

STEPHEN J. MURPHY, III, District Judge.

Plaintiff filed a pro se complaint against more than two dozen Defendants. ECF 1. After reviewing the complaint, the Court has determined that there is no subject matter jurisdiction and will therefore dismiss the complaint sua sponte. The Court will also deny Plaintiff's request to seal the pleadings.

BACKGROUND

Plaintiff sued his own estate and a host of private individuals and public officials. ECF 1. Among the public officials are: the Attorneys General of the United States, Michigan, and Illinois; the Secretaries of State for the United States and Michigan; the Governors of Michigan and Illinois; the Secretaries of Treasury, Interior, and Homeland Security for the United States; a United States Army General; the Director of the Illinois Department of Children and Family Services; and a supervisor at Lutheran Social Services of Illinois. *Id.* at 18-19.

The meandering complaint contained several causes of action. Plaintiff first requested that the Court issue a declaratory judgment that Plaintiff is “a private Moor, [A]mericas aboriginal [I]llinoisan national, and subject of the Al Maroc Shereefian Empire, but not a citizen of the [U]nited [S]tates for the [D]istrict of [C]olumbia, nor a citizen of the [U]nited [S]tates of [A]merica in [C]ongress assembled.” *Id.* at 23-24 (internal quotations and italics omitted). Second, Plaintiff requested that the Court terminate “any guardian [or] ward relation” and return an estate to Plaintiff. *Id.* at 25-27. Third, Plaintiff sought “relief against all liability of the Estate as the implied equitable surety or secondary liability imposed upon him in all legal proceedings of a general military character, and in a particular State legal proceeding.” *Id.* at 27-28 (internal quotations omitted). Fourth, Plaintiff requested equitable relief related to “trespass upon your orator[']s inherent right to equal Justice being rendered toward[] him concerning any dispute” and “exoneration of all liability and obligations imputed to” Plaintiff by

Defendants. *Id.* at 28. Fifth, Plaintiff claimed “[s]egregation of all rights, title[,] and interests of the [U]nited [S]tates of [A]merica, and the [U]nited [S]tates of [D]istrict of [C]olumbia [] against the compliance with respect to any irrevocable obligation arising from a quasi-trust relationship conducted by the said district of [C]olumbia military legal proceedings (internal italics omitted). Sixth, Plaintiff sought for destruction of “private fiduciary trust relationship.” *Id.* at 29-30. Seventh, Plaintiff wanted the Court to “restore[]” the estate of an individual that Plaintiff called an “infant” to Plaintiff along with the profits of the estate while Plaintiff was deprived of the estate. *Id.* at 31-32, 38. Eighth, Plaintiff demanded an injunction to prevent Defendants from subjecting Plaintiff “under legal compulsion to any statutes, codes, ordinances, provisions, prohibitions, and penalties” where there was a presumption Plaintiff was a citizen of the United States, among similar requests. *Id.* at 32-34 (internal quotations and italics omitted). Ninth, Plaintiff asked the Court for an accounting of an estate and an extinguishment of state and local tax obligations on the estate. *Id.* at 38. Tenth, Plaintiff requested the Department of the Interior give him 1,863 acres of land and that the land not be taxed. *Id.* at 38-39. Plaintiff also sought equitable estoppel against Defendants so that they may not treat Plaintiff as an enemy under the Trading with the Enemy Act of 1933 and may not obtain certain forms of judgment against Plaintiff. *Id.* at 39-40. And last, Plaintiff requested a plethora of injunctive relief relating to preventing Defendants from requiring Plaintiff to undergo compulsory medical treatment, vaccination, quarantine, and use of protective face masks. *Id.* at

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Id. at

40. The foregoing list is non-exhaustive but captures the essence of Plaintiff's numerous claims. In addition to the claims, Plaintiff also requested that the Court seal all documents filed in the pleadings. *Id.* at 42.

LEGAL STANDARD

Federal courts have limited subject matter jurisdiction under the Constitution and federal statutes. *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). Under current statutory schema, federal courts have subject matter jurisdiction over two categories of cases: those that arise under federal law and those in which there is an amount in controversy over 75,000 dollars and the parties have completely diverse citizenship. 28 U.S.C. §§ 1331, 1332(a); *Home Depot U.S.A., Inc. v. Jackson*, 139 S. Ct. 1743, 1746 (2019).

Federal Rule of Civil Procedure 12(h)(3) requires that "[i]f [a] court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action." In the Sixth Circuit, courts have "broad discretion with respect to what evidence to consider in deciding whether subject matter jurisdiction exists, including evidence outside of the pleadings." *Cartwright v. Garner*, 751 F.3d 752, 759 (6th Cir. 2014) (citation omitted). In general, a district court should "not sua sponte dismiss a complaint where the filing fee has been paid unless the court gives the plaintiff the opportunity to amend the complaint." *Apple v. Glenn*, 183 F.3d 477, 479 (6th Cir. 1999) (italics omitted). But a district court may, "at any time, sua sponte dismiss a complaint for lack of subject matter jurisdiction" if "the allegations of [the] complaint are

totally implausible, attenuated, unsubstantial, frivolous, devoid of merit, or no longer open to discussion.” *Id.* (italics omitted). Courts should also construe pro se complaints liberally and hold pro se plaintiffs to a less stringent standard than plaintiffs represented by counsel. *See Haines v. Kerner*, 404 U.S. 519, 520-21 (1972) (per curiam).

DISCUSSION

Plaintiff alleged six sources of subject matter jurisdiction: (1) the 1787 Treaty of Marakesh; (2) the 1824 Treaty of Tunis; (3) U.S. Const. Art. VI; (4) U.S. Const. Art. III, § 2, cl. 1; (5) the Judiciary Act of 1789; and (6) the Articles of Confederation, Art XII. *See* ECF 1, PgID 22-23, 28. Even after liberally construing Plaintiff’s complaint and considering the preference for allowing a plaintiff an opportunity to amend a complaint, the Court will still sua sponte dismiss the complaint for lack of subject matter jurisdiction. The Court cannot liberally construe the complaint to allege a cause of action within the Court’s subject matter jurisdiction. While the Court suspects Plaintiff is attempting to assert federal-question jurisdiction when he referred to the above-listed sources, the Court will, in turn, analyze both whether there is federal-question jurisdiction or diversity jurisdiction before turning to the propriety of dismissing the case sua sponte. The Court will also discuss Plaintiff’s request to seal the pleadings.

I. Federal-Question Jurisdiction

Under federal-question jurisdiction, “district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the

United States.” 28 U.S.C. § 1331. Federal-question jurisdiction requires that the “cause of action aris[ing] under federal law must be apparent from the face of the ‘well-pleaded complaint.’” *Miller v. Bruenger*, 949 F.3d 986, 990 (6th Cir. 2020) (quoting *Metro. Life Ins. Co. v. Taylor*, 481 U.S. 58, 63 (1987)). In other words, “for purposes of assessing whether federal-question jurisdiction exists, federal courts ignore any potential federal defenses that may arise in the course of the litigation.” *Id.* (citing *Beneficial Nat’l Bank v. Anderson*, 539 U.S. 1, 6 (2003)). When declaratory judgment is sought, courts inquire into “whether, absent the availability of declaratory relief, the case could have [been] brought in federal court.” *Id.* (alteration in original) (quoting 15A James Wm. Moore, et al., *Moore’s Federal Practice—Civil* § 103.44 (2019)).

None of the six sources that Plaintiff cites for federal-question jurisdiction confer subject matter jurisdiction over the causes of action in the complaint. First, the 1787 Treaty of Marakesh is no longer in force. According to the United States Embassy in Morocco, while the 1787 Treaty of Marakesh was in fact ratified by the United States Congress in 1787, the treaty was only binding for fifty years. U.S. Embassy & Consulates in Morocco, *History of the U.S. and Morocco* (accessed Sept. 14, 2021), <https://bit.ly/3tKjEDP> [<https://perma.cc/4P9M-YG7V>]; see also The Avalon Project, *The Barbary Treaties 1786-1816: Treaty with Morocco June 28 and July 15, 1786* (Yale Law School 2008), <https://bit.ly/3CiOlTr> [<https://perma.cc/F2WD-C7JJ>] (“1787 Treaty of Marakesh”) (reproducing, based on the dates of signing and ratification, the Treaty of Marakesh with the following provision: “[t]his Treaty shall continue in full Force,

with the help of God for Fifty Years”). The 1836 Treaty of Morocco apparently replaced the 1787 Treaty of Marakesh after the Treaty of Marakesh expired. *See* U.S. Embassy & Consulates in Morocco, *supra*. In fact, the United States Department of State does not list the 1787 Treaty of Marakesh as an active treaty, but the 1836 Treaty of Morocco is listed as a treaty currently in force. *See generally* United States Department of State, *A List of Treaties and Other International Agreements of the United States in Force on January 1, 2020* 311 (2020), <https://bit.ly/3lxs3Xh> [<https://perma.cc/PE5X-832Z>].

A treaty no longer in force cannot be considered a “treat[y] of the United States” under § 1331’s federal-question jurisdiction. Treaties that do not create a judicially enforceable cause of action do not provide federal courts with subject matter jurisdiction. *See Cooper Butt ex rel. Q.T.R. v. Barr*, 954 F.3d 901, 905 (6th Cir. 2020). A treaty that has been inactive for more than 180 years cannot create a judicially enforceable cause of action and therefore cannot provide the Court with subject matter jurisdiction. As a result, the 1787 Treaty of Marakesh does not provide the Court with federal-question jurisdiction to hear any of Plaintiff’s claims.

The Court recognizes that the 1836 Treaty of Morocco did have similar provisions to the 1787 Treaty of Marakesh. *Compare* The Avalon Project, *The Barbary Treaties 1786-1816: Morocco—Treaty of Peace; September 16, 1836* (Yale Law School 2008), <https://bit.ly/2XpZAU1> [<https://perma.cc/Z7X4-UTH5>] (“1836 Treaty of Morocco”) with 1787 Treaty of Marakesh. But even if the Court liberally construes the complaint to refer to the 1836 Treaty of Morocco

rather than the 1787 Treaty of Marakesh, the 1836 Treaty also fails to confer federal-question jurisdiction for any of Plaintiff's claims. A court in the District of New Jersey faced with similar claims found that the Barbary Treaties—which include the 1787 Treaty of Marakesh and by extension the vastly similar 1836 Treaty of Morocco—do not provide federal-question jurisdiction to federal courts for such claims. See *El Ameen Bey v. Stumpf*, 825 F. Supp. 2d 537, 545, 557-59 (D.N.J. 2011).¹ The Barbary Treaties aimed to “eliminate, or at least curtail, the ill of piracy plaguing the coastal waters and ports of the postmedieval North African geopolitical bodies; and [] eliminate, or at least halt the rise of, the fees charged by the rulers of these geo-political bodies to the then-developing American merchantry for keeping ‘peace’ in the ports and coastal waters subject to their dominion.” *Id.* at 545 (quoting *Marakush Caliphate of Amexem, Inc. v. New Jersey*, 790 F. Supp. 2d 241, 269 (D.N.J. 2011)). After reviewing the 1836 Treaty of Morocco, the Court agrees that nearly all the provisions deal with maritime or merchant issues and observes that the other provisions appear confined to events occurring in Morocco. See *1836 Treaty of Morocco*. Because Plaintiff's claims have nothing to do with maritime or merchant issues near Morocco, Plaintiff cannot rely on the 1836 Treaty of Morocco for subject matter jurisdiction. See *El Ameen Bey*, 825 F. Supp. 2d at 558 (“[A] litigant's reliance on any Barbary Treaty . . . for the purposes of a civil suit raising claims based on the events that

¹ The Barbary Treaties were “between the United States and semi-autonomous North African city-states of Algiers, Tunis, and Tripoli, and the Sultanate of Morocco” in the early 19th century. *El Ameen Bey*, 825 F. Supp. 2d at 558 n.10.

occurred within what is the United States' geographical territory is facially frivolous.”).

As for the 1824 Treaty of Tunis, the United States Department of State does not list the treaty as in force. *See generally* United States Department of State, *supra*. Still, the 1824 Treaty of Tunis is another of the Barbary Treaties, an amendment to an earlier treaty from the 1790s. *See* The Avalon Project, *The Barbary Treaties 1786-1816: Tunis—Convention of February 24, 1824 Amending the Treaty of August 1797, and March 26, 1799* (Yale Law School 2008), <https://bit.ly/39aHkb1> [<https://perma.cc/7FDX-M37G>]. A review of the 1824 document reveals that—like the 1836 Treaty of Morocco and many of the Barbary Treaties—most provisions deal with maritime or merchant issues. *Id.* The provisions that do not deal with maritime or merchant issues appear to only apply to Tunisians. *Id.* Plaintiff does not allege that he is Tunisian. *See generally* ECF 1. Because Plaintiff's claims have nothing to do with maritime or merchant issues near Tunisia and Plaintiff does not allege that he is Tunisian, Plaintiff cannot rely on the 1824 Treaty of Tunis for subject matter jurisdiction. *See El Ameen Bey*, 825 F. Supp. 2d at 558.

What is more, courts in the Eastern District of Michigan have routinely dismissed complaints that cite the Barbary Treaties for subject matter jurisdiction as frivolous, and the Court is unaware of a plaintiff who has proceeded under the subject matter jurisdiction of the Barbary Treaties. *See Grayson-Bey v. Hutchinson*, No. 2:20cv-10487, 2020 WL 1047730, at *2 (E.D. Mich. Mar. 4, 2020) (Murphy, J.); *Erwin El v. Genesee Cnty. Land Bank Auth.*, No. 2:19-cv-11522,

2019 WL 2763314, at *1 (E.D. Mich. July 2, 2019) (Michelson, J.).

Next, Article VI of the Constitution does not confer subject matter jurisdiction for any of Plaintiff's claims. The First Clause of Article VI relates to whether debts entered into before the Constitution's ratification were valid against the United States. The complaint has no allegations concerning debts that preceded the Constitution, so the Clause cannot confer federal-question jurisdiction for the complaint. *See generally* ECF 1. The Second Clause is the Supremacy Clause, which has to do with the place of federal and state law under the Constitution. The complaint never alleged conflicts between federal and state law, so the Supremacy Clause cannot confer federal-question jurisdiction for the complaint. *See generally id.* And the Third Clause deals with an oath of office for federal officials. The complaint has nothing to do with an oath of office for federal officials and, as a result, the Clause cannot confer federal-question jurisdiction. *See generally id.*

Plaintiff's reliance on Article III for subject matter jurisdiction also fails. Article III, Section Two, Clause One authorizes federal courts to have federal-question jurisdiction and diversity jurisdiction. But the Clause, standing alone, cannot provide jurisdiction to federal courts because "[j]urisdiction of the lower federal courts is further limited to those subjects encompassed within a statutory grant of jurisdiction." *Ins. Corp. of Ireland, Ltd. v. Compagnie des Bauxites de Guinee*, 456 U.S. 694, 701-02 (1982). Plaintiff did cite the Judiciary Act of 1789. While it is unclear precisely what part of the Act Plaintiff was trying to cite, the Court will

liberally construe Plaintiff as trying to cite the statutory grants of jurisdiction that are now codified as 28 U.S.C. §§ 1331 and 1332(a). Still, simply citing the statutory grants of subject matter jurisdiction does not provide a district court with such jurisdiction unless the requirements of the statutes are met.

Finally, Plaintiff cannot rely on the Articles of Confederation for subject matter jurisdiction. The Articles of Confederation, the first constitution of the United States, were abandoned during the Constitutional Convention. *Wesberry v. Sanders*, 376 U.S. 1, 10 (1964) (“Soon after the Convention assembled, Edmund Randolph of Virginia presented a plan not merely to amend the Articles of Confederation but to create an entirely new National Government with a National Executive” in order to “create[e] a new and closer form of government than was possible under the Confederation.”). Put simply, a prior constitutional order cannot confer subject matter jurisdiction in a new constitutional order.

Beyond the sources of federal-question jurisdiction raised by Plaintiff, there are likely no sources of federal-question jurisdiction available to Plaintiff for most of the claims in the complaint given the frivolous nature of the claims. For example, no provision of the Constitution or federal law gives the Court authority to determine that Plaintiff is a sovereign citizen and thus free of compulsion under federal or state statutes and ordinances. And the Court believes that most of Plaintiff’s claims having to do with guardian relationships or estates, while still frivolous, are within the realm of probate law. *Probate*, Black’s Law Dictionary (11th ed. 2019) (“The judicial procedure by which a testamentary document is established to be a valid

will; the proving of a will to the satisfaction of the court.”); *Probate Estate*, Black’s Law Dictionary (11th ed. 2019) (“A decedent’s property subject to administration by a personal representative.”); *see generally* ECF 1 (discussing Plaintiff’s claims concerning estates). There is a longstanding exception to federal jurisdiction over probate matters because “a federal court has no jurisdiction to probate a will or administer an estate.” *Markham v. Allen*, 326 U.S. 490, 494 (1946).

When Plaintiff alleges that Defendants cannot force Plaintiff to undergo compulsory medical treatment, vaccination, quarantine, or mask wearing, Plaintiff appears to rely on the Court first granting declaratory relief on his claim that he is a sovereign citizen. *See generally* ECF 1. Because the Court lacks jurisdiction to grant such declaratory relief, Plaintiff cannot rely on his sovereign citizenship. Even if Plaintiff had alleged an appropriate basis for jurisdiction for the claim, the claim would fail because Plaintiff pleaded no facts showing that he is in danger of being forced to undergo medical treatment, vaccination, quarantine, or mask wearing. As a result, there is not a case or controversy because Plaintiff has not shown an injury, and therefore lacks standing to bring such a suit. *See DaimlerChrysler Corp. v. Cuno*, 547 U.S. 332, 342 (2007) (“The requisite elements of this ‘core component derived directly from the Constitution’ are familiar: ‘A plaintiff must allege personal injury fairly traceable to the defendant’s allegedly unlawful conduct and likely to be redressed by the requested relief.’”) (quoting *Allen v. Wright*, 468 U.S. 737, 738 (1984)).

II. Diversity Jurisdiction

As discussed above, the current statutory scheme for diversity jurisdiction requires that the parties have diverse citizenship and that the amount in controversy exceed 75,000 dollars. 28 U.S.C. § 1332(a); *Home Depot U.S.A., Inc.*, 139 S. Ct. at 1746. Diversity of citizenship must be complete, meaning that “each defendant is a citizen of a different State from each plaintiff.” *Owen Equip. & Erection Co. v. Kroger*, 437 U.S. 365, 373 (1978) (emphasis in original). When determining citizenship of the parties for purposes of diversity jurisdiction, the domicile of each party is used. *Stifel v. Hopkins*, 477 F.2d 1116, 1120 (6th Cir. 1973). Domicile involves two elements: physical presence in a State and intent to remain in the State. *See Napletana v. Hillsdale Coll.*, 385 F.2d 871, 872-73 (6th Cir. 1967).

While Plaintiff claims that he is not a citizen of the United States, he listed an address in Lake Orion, Michigan under his signature. ECF 1, PgID 3, 42. The address under Plaintiff’s signature is sufficient evidence for the Court to believe that Plaintiff has a physical presence in Michigan and an intent to remain in Michigan. *See Napletana*, 385 F.2d at 872-73. Plaintiff then listed one Defendant, the Attorney General of Michigan Dana Nessel, as having a Lansing, Michigan address. ECF 1, PgID 18. Accordingly, there is no complete diversity of citizenship. *See Owen Equip. & Erection Co.*, 437 U.S. at 373; *see also Erwin-El*, 2019 WL 2763314, at *1 (holding that a plaintiff alleging he was a sovereign citizen was actually a citizen of Michigan when the complaint stated that the plaintiff lived in Michigan).

III. Sua Sponte Dismissal

Civil Rule 12(h)(3) requires that “[i]f [a] court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.” As explained above, there is no subject matter jurisdiction for any of Plaintiff’s claims. The Court will therefore sua sponte dismiss the complaint under Rule 12(h)(3) for lacking subject matter jurisdiction.

Even if the Court could liberally construe any of the claims in the complaint as arising under a federal law or constitutional provision, the Court would still dismiss the complaint for lack of subject matter jurisdiction because the claims are frivolous. *Apple*, 183 F.3d at 479; *see also Erwin-El*, 2019 WL 2763314, at *1; *Chase Manhattan Mortg. Corp. v. Blakely-El*, No. 06-10343, 2007 WL 1041256, at *1 (E.D. Mich. Apr. 5, 2007) (Feikens, J.); *King v. Corp. of U.S. of Am.*, No. 05 CV 72849, 2005 WL 3320866, at *4 (E.D. Mich. Dec. 7, 2005) (Cleland, J.).

IV. Request to Seal

Finally, Plaintiff requested that the Court seal all pleadings. ECF 1, PgID 42. There is “a strong presumption in favor of openness as to court records.” *Shane Grp., Inc. v. Blue Cross Blue Shield of Mich.*, 825 F.3d 299, 305 (6th Cir. 2016) (internal quotation and citation omitted). The party seeking to seal court records bears the burden of overcoming the presumption and can only do so by demonstrating compelling reasons for why the records should be sealed. *Id.* After painstakingly combing through Plaintiff’s 142-page complaint, no reason exists, let alone a compelling one, to seal the pleadings. In fact, the overuse of legal

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jargon and antiquated terminology renders the pleadings largely unintelligible.

CONCLUSION

Considering the analysis above, the Court will sua sponte dismiss the complaint under Rule 12(h)(3) for lack of subject matter jurisdiction and will deny Plaintiff's request to seal the pleadings. This is a final order that closes the case.

ORDER

WHEREFORE, it is hereby ORDERED that the complaint [1] is DISMISSED.

IT IS FURTHER ORDERED that the request to seal the pleadings is DENIED.

This is a final order that closes the case.

SO ORDERED.

/s/ Stephen J. Murphy, III
United States District Judge

Dated: September 21, 2021

**ORDER OF THE UNITED STATES COURT
OF APPEALS FOR THE SIXTH CIRCUIT
DENYING PETITION FOR REHEARING
(JULY 5, 2022)**

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

LASEAN DEJONG HOUSTON,

Plaintiff-Appellant,

v.

LASEAN DEJONG HOUSTON,
Individually and Estate of, ET AL.,

Defendants-Appellees.

Case No. 21-1656

Before: CLAY, ROGERS, and STRANCH,
Circuit Judges.

Lasean Dejong Houston has filed a petition for rehearing of this court's June 1, 2022, order affirming the district court's dismissal of his civil complaint as frivolous.

Upon consideration, this panel concludes that it did not misapprehend or overlook any point of law or fact when it issued its order. *See* Fed. R. App. P. 40(a)(2).

We therefore DENY the petition for rehearing.

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Entered by Order of the Court

/s/ Deborah S. Hunt, Clerk

**DOCKET REPORT OF THE
UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

COURT OF APPEALS OF THE UNITED STATES,
SIXTH CIRCUIT

SEAN HOUSTON EL FOUNDATION TRUST
D/B/A HOUSTON, LASEAN DEJONG,
MOOR BENEFICIARY,

Petitioner,

v.

LASEAN DEJONG HOUSTON,

Respondent.

No. 21-1656

Toll of time

10/22/2021

- 1 Civil Case Docketed. Notice filed by Appellant Mr. Lasean Dejong Houston. Transcript needed: n. (CAM) [Entered: 10/22/2021 09:54 AM]

10/22/2021

- 2 The case manager for this case is: C. Anthony Milton (CAM) [Entered: 10/22/2021 09:58 AM]

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10/27/2021

- 3 CORRESPONDENCE: documents regarding the filing fee by Mr. Lasean Dejong Houston. (CAM) [Entered: 11/01/2021 09:09 AM]

10/27/2021

- 4 CORRESPONDENCE: copy of amended coverletter to special clerk and master by Mr. Lasean Dejong Houston. (CAM) [Entered: 11/01/2021 09:11 AM]

10/27/2021

- 5 CORRESPONDENCE: cover letter to special clerk and master by Mr. Lasean Dejong Houston. (CAM) [Entered: 11/01/2021 09:13 AM]

11/01/2021

- 6 FILED: Bill of Exceptions and proposed order by Mr. Lasean Dejong Houston. (CAM) [Entered: 11/01/2021 09:15 AM]

11/08/2021

- 7 CORRESPONDENCE: letter and copy of documents: Amended Bill in Equity, Amended Bill of Exceptions, Notice of Conflict and Variance, Review Determination, Proposed Decree, Proposed Bill in Quia Timet, Denial of Assumptions, Declaration of Intention, Affidavit Proof of Tender of Consideration by Mr. Lasean Dejong Houston. (CAM) [Entered: 11/09/2021 09:42 AM]

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11/22/2021

- 8 CORRESPONDENCE: letter regarding filings by Mr. Lasean Dejong Houston. (CAM) [Entered: 11/29/2021 10:40 AM]

11/22/2021

- 9 FILED: Notice of Show Good Cause by Mr. Lasean Dejong Houston. (CAM) [Entered: 11/29/2021 10:42 AM]

11/22/2021

- 10 FILED: Affidavits of Default by Mr. Lasean Dejong Houston. (CAM) [Entered: 11/29/2021 10:43 AM]

11/22/2021

- 11 FILED: Summons to Answer by Mr. Lasean Dejong Houston. (CAM) [Entered: 11/29/2021 10:44 AM]

11/22/2021

- 12 FILED: Exhibits by Mr. Lasean Dejong Houston. (CAM) [Entered: 11/29/2021 10:46 AM]

11/30/2021

- 13 FILED: Exhibits by Mr. Lasean Dejong Houston. (CAM) [Entered: 12/02/2021 08:59 AM]

12/15/2021

- 14 FILED: Exhibits K and U by Mr. Lasean Dejong Houston. (CAM) [Entered: 12/20/2021 08:26 AM]

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12/15/2021

- 15 FILED: document titled Amended Ordered, Adjudged, and Decreed by Mr. Lasean Dejong Houston. (CAM) [Entered: 12/20/2021 08:27 AM]

12/16/2021

- 16 FILED: Exhibit V by Mr. Lasean Dejong Houston. (CAM) [Entered: 12/20/2021 08:28 AM]

12/22/2021

- 17 ORDER filed to dismiss for want of prosecution for failure to pay the appellate filing fee. (CAM) [Entered: 12/22/2021 08:41 AM]

01/10/2022

- 18 Update fee status change to paid in district court on 12/28/2021. Receipt No. DET138930. (CAM) [Entered: 01/10/2022 08:31 AM]

01/18/2022

- 20 Appellant MOTION filed by Mr. Lasean Dejong Houston to reinstate case. Document titled "Bill of Revivor under Exigent Circumstances" (CAM) [Entered: 01/20/2022 08:26 AM]

01/18/2022

- 21 EXHIBIT FILED by Mr. Lasean Dejong Houston consisting of multiple documents. (CAM) [Entered: 01/20/2022 08:28 AM]

01/18/2022

- 22 FILED: documents titled: Amended Bill in Equity; Amended Bill of Exceptions; Amended Notice of Conflict and Variance; Amended

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Proposed Bill in Quia Timet; Proposed Judgment by Mr. Lasean Dejong Houston. (CAM) [Entered: 01/20/2022 08:35 AM]

01/21/2022

23 ORDER filed granting motion to reinstate case [20], only insofar as it seeks reinstatement of the appeal, filed by Mr. Lasean Dejong Houston. (CAM) [Entered: 01/21/2022 08:41 AM]

01/21/2022

24 BRIEFING LETTER SENT setting pro se briefing schedule: appellant brief due 03/07/2022. (CAM) [Entered: 01/21/2022 08:48 AM]

01/27/2022

25 APPELLANT BRIEF filed by Mr. Lasean Dejong Houston Certificate of Service: 01/24/2022. Argument Request: not received. (CAM) [Entered: 01/27/2022 02:10 PM]

03/11/2022

26 FILED: document titled: Amended Proposed Bill in Quia Timet by Mr. Lasean Dejong Houston. (CAM) [Entered: 03/11/2022 11:49 AM]

03/11/2022

27 EXHIBIT FILED by Mr. Lasean Dejong Houston consisting of multiple documents. (CAM) [Entered: 03/11/2022 11:50 AM]

**DOCKET REPORT OF THE UNITED STATES
DISTRICT COURT FOR THE EASTERN
DISTRICT OF MICHIGAN**

**DISTRICT COURT FOR THE UNITED STATES,
EASTERN DISTRICT OF MICHIGAN**

**SEAN HOUSTON EL FOUNDATION TRUST
D/B/A HOUSTON, LASEAN DEJONG;
MOOR BENEFICIARY,**

Complainant,

v.

LASEAN DEJONG HOUSTON, ET AL.,

Defendant.

No. CV-21-11888-SJM-APP

08/05/2021

**1 COMPLAINT filed by All Plaintiffs against
All Defendants. Filing fee paid (TTho)
(Entered: 08/19/2021)**

08/05/2021

**FILING FEE received in the amount of
\$402.00 by Lasean Dejong Houston-Receipt
No. DET 136904 [No Image Associated with
this docket entry] (DPer) (Entered: 08/25/2021)**

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09/02/2021

- 3 PROOF OF CONSIDERATION filed by Lasean Dejong Houston with attached exhibits. (Attachments: # 1 Document Continuation, # 2 Document Continuation) (TTho) (Entered: 09/14/2021)

09/07/2021

- 5 EXHIBITS by Lasean Dejong Houston (Attachments: # 1 Document Continuation) (DPer) (Entered: 09/16/2021)

09/11/2021

- 6 BILL OF EXCEPTIONS by Lasean Dejong Houston (DPer) (Entered: 09/21/2021)

09/14/2021

- 4 Notice Regarding Parties' Responsibility to Notify Court of Address Changes (KCas) (Entered: 09/14/2021)

09/21/2021

- 7 OPINION and ORDER DISMISSING CASE Sua Sponte and Denying Request to Seal Pleadings. Signed by District Judge Stephen J. Murphy, III. (DPar) (Entered: 09/21/2021)

09/30/2021

- 8 DOCUMENT filed by Lasean Dejong Houston. (TTho) (Entered: 10/13/2021)

10/18/2021

- 9 NOTICE OF APPEAL by Lasean Dejong Houston. Fee Status: No Fee Paid. (SKra) (Entered: 10/18/2021)

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10/18/2021

10 Certificate of Service re 9 Notice of Appeal.
(SKra) (Entered: 10/18/2021)

12/28/2021

11 Appeal Fee received for 9 Notice of Appeal
filed by Lasean Dejong Houston in the
amount of \$ 505.00-Receipt No. DET138930.
(BHan) (Entered: 01/07/2022)

01/21/2022

12 ORDER from U.S. Court of Appeals-Sixth
Circuit re 9 Notice of Appeal filed by Lasean
Dejong Houston [Appeal Case Number 21-
1656] (TTho) (Entered: 01/24/2022)



SUPREME COURT
PRESS