

In Re Major Mike Webb, Record No. 22-1422

Webb v. Northam, Civil Action No. 3:22-cv-00222-DJN

Orders

UNPUBLISHED

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

No. 22-1422

In re: MAJOR MIKE WEBB, d/b/a Friends for Mike Webb (C00591537), a/k/a
Major Mike Webb for Congress (H8VA08167),

Petitioner.

On Petition for Writ of Mandamus. (3:22-cv-00222-DJN)

Submitted: June 23, 2022

Decided: June 27, 2022

Before WYNN and QUATTLEBAUM, Circuit Judges, and FLOYD, Senior Circuit Judge.

Petition denied by unpublished per curiam opinion.

Michael David Webb, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Michael David Webb, a.k.a. Major Mike Webb, petitions for a writ of mandamus seeking an order directing the district court to convene a grand jury for the purpose of holding former Virginia Governor Ralph Northam criminally liable for various alleged offenses. Courts do not provide mandamus relief unless the petitioner “has shown a clear and indisputable right to the requested relief.” *In re Murphy-Brown, LLC*, 907 F.3d 788, 795 (4th Cir. 2018) (internal quotation marks omitted). Here, Webb has no private right to demand a criminal investigation. We therefore deny the petition for a writ of mandamus. 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.

PETITION DENIED

FILED: June 27, 2022

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-1422
(3:22-cv-00222-DJN)

In re: MAJOR MIKE WEBB, d/b/a Friends for Mike Webb (C00591537), a/k/a
Major Mike Webb for Congress (H8VA08167)

Petitioner

JUDGMENT

In accordance with the decision of this court, the petition for writ of
mandamus is denied.

/s/ PATRICIA S. CONNOR, CLERK

FILED: June 27, 2022

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUITNo. 22-1422, In re: Major Mike Webb
3:22-cv-00222-DJN

NOTICE OF JUDGMENT

Judgment was entered on this date in accordance with Fed. R. App. P. 36. Please be advised of the following time periods:

PETITION FOR WRIT OF CERTIORARI: The time to file a petition for writ of certiorari runs from the date of entry of the judgment sought to be reviewed, and not from the date of issuance of the mandate. If a petition for rehearing is timely filed in the court of appeals, the time to file the petition for writ of certiorari for all parties runs from the date of the denial of the petition for rehearing or, if the petition for rehearing is granted, the subsequent entry of judgment. See Rule 13 of the Rules of the Supreme Court of the United States; www.supremecourt.gov.

VOUCHERS FOR PAYMENT OF APPOINTED OR ASSIGNED COUNSEL:

Vouchers must be submitted within 60 days of entry of judgment or denial of rehearing, whichever is later. If counsel files a petition for certiorari, the 60-day period runs from filing the certiorari petition. (Loc. R. 46(d)). If payment is being made from CJA funds, counsel should submit the CJA 20 or CJA 30 Voucher through the CJA eVoucher system. In cases not covered by the Criminal Justice Act, counsel should submit the Assigned Counsel Voucher to the clerk's office for payment from the Attorney Admission Fund. An Assigned Counsel Voucher will be sent to counsel shortly after entry of judgment. Forms and instructions are also available on the court's web site, www.ca4.uscourts.gov, or from the clerk's office.

BILL OF COSTS: A party to whom costs are allowable, who desires taxation of costs, shall file a Bill of Costs within 14 calendar days of entry of judgment. (FRAP 39, Loc. R. 39(b)).

FILED: April 20, 2022

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-1422
(3:22-cv-00222-DJN)

In re: MAJOR MIKE WEBB, d/b/a Friends for Mike Webb (C00591537), a/k/a
Major Mike Webb for Congress (H8VA08167)

Petitioner

O R D E R

The court grants leave to proceed in forma pauperis.

For the Court--By Direction

/s/ Patricia S. Connor, Clerk

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**
1100 East Main Street, Suite 501, Richmond, Virginia 23219

www.ca4.uscourts.gov

April 20, 2022

No. 22-1422
(3:22-cv-00222-DJN)

In re: MAJOR MIKE WEBB, d/b/a Friends for Mike Webb (C00591537), a/k/a
Major Mike Webb for Congress (H8VA08167)

Petitioner

DOCKETING NOTICE - ORIGINAL PROCEEDINGS

This case has been placed on the court's docket under the above-referenced number, which should be used on papers subsequently filed in this court. No answer to the petition is required unless ordered by the court.

Counsel filing on behalf of a party must file an **Appearance of Counsel** form at the time of filing the petition. If this case arises from a civil matter, the parties must file a **Disclosure Statement** form at the time of filing the petition, except that a disclosure form is **not** required from the United States, from indigent parties, or from state or local governments in pro se cases. Court forms are available as links from this notice and at the court's web site, www.ca4.uscourts.gov.

Parties are responsible for ensuring that social security numbers, juvenile names, dates of birth, and financial account numbers are redacted from any documents filed with the Court and that any sealed materials are filed in accordance with the enclosed **Memorandum on Sealed and Confidential Materials**. Attorneys are required to file electronically in the Fourth Circuit. Information on obtaining an electronic filer account is available at www.ca4.uscourts.gov.

Jeffrey S. Neal, Deputy Clerk
804-916-2702

SEALED & CONFIDENTIAL MATERIALS

Internet Availability of Docket & Documents

Fourth Circuit case dockets and documents are available on the Internet via the Judiciary's PACER system (Public Access to Court Electronic Records). The Fourth Circuit docket is available on the Internet even if the district court docket was sealed. If a party's name was sealed in the district court, it should be replaced by "Under Seal" or a pseudonym on appeal.

Due to the electronic availability of court documents, the federal rules prohibit including certain personal data identifiers in court filings. In addition, parties should not include any data in their filings that they would not want on the Internet. Counsel should advise their clients on this subject so that an informed decision can be made. Responsibility rests with counsel and the parties, not with the clerk.

Documents filed by the parties in immigration and social security cases are not accessible over the Internet to the public. In immigration and social security cases, public Internet access is limited to the court's docket, orders, and opinions.

Federal Rules of Procedure

The federal rules of procedure require filers to redact any of the following personal data identifiers (PDIs) if included in court filings: (1) social security and tax ID numbers must be limited to last four digits; (2) minor children must be identified by their initials only; (3) dates of birth must show the year only; (4) financial account numbers must be limited to the last four digits only; and (5) home addresses in criminal cases must be limited to city and state only. The federal rules establish limited exceptions to these redaction requirements. See Fed. R. App. P. 25(a)(5); Fed. R. Civ. P. 5.2; Fed. R. Crim. P. 49.1; Fed. R. Bankr. P. 9037

Judicial Conference Privacy Policy

In addition, the judiciary's regulation on Privacy Policy for Electronic Case Files prohibits filers from including any of the following criminal documents in the public file: (1) unexecuted summonses or warrants; (2) bail or presentence reports; (3) statement of reasons in judgment of conviction; (4) juvenile records; (5) identifying information about jurors or potential jurors; (6) CJA financial affidavits; (7) ex parte requests to authorize CJA services and (8) any sealed documents, such as motions for downward departure for substantial assistance, plea agreements indicating cooperation, or victim statements. Any reference to

substantial assistance or cooperation with the government in criminal proceedings should be sealed in the parties' briefs.

Local Rule 25(c)

Local Rule 25(c) limits the sealing of documents by requiring that sealed record material be separated from unsealed material and placed in a sealed volume of the appendix and by requiring the filing of both sealed, highlighted versions and public, redacted versions of briefs and other documents.

Since the ECF events for sealed filings make the documents accessible only to the court, counsel must serve sealed documents on the other parties in paper form.

Sealed Volume of Appendix

If sealed record material needs to be included in the appendix, it must be placed in a **separate, sealed volume** of the appendix and filed with a certificate of confidentiality. In consolidated criminal cases in which presentence reports are being filed for multiple defendants, each presentence report must be placed in a separate, sealed volume served only on Government counsel and counsel for the defendant who is the subject of the report.

- Use ECF event-**SEALED JOINT APPENDIX** and **SEALED SUPPLEMENTAL APPENDIX** to file sealed electronic appendix volume(s). Cover of sealed appendix volume must be marked SEALED, and paper copies must be placed in envelopes marked SEALED. Sealed volume must be served on other parties outside ECF.
- Use ECF event-**Certificate of confidentiality** to identify authority for treating material as sealed and to identify who may have access to sealed material. A paper copy of the certificate of confidentiality must accompany the paper copy of the sealed appendix filed with the court.
- Use ECF event-**JOINT APPENDIX** and **SUPPLEMENTAL APPENDIX** to file public electronic appendix volumes(s).

Sealed Version of Brief

If sealed material needs to be referenced in a brief, counsel must file both a **sealed, highlighted version** of the brief and a **public, redacted version** of the brief, as well as a certificate of confidentiality.

- Use ECF event-**SEALED BRIEF** to file sealed electronic version of brief in which sealed material has been highlighted. Cover of sealed brief must be

marked SEALED, and paper copies must be placed in envelopes marked SEALED. Sealed version must be served on other parties outside ECF.

- Use ECF event-**Certificate of confidentiality** to identify authority for treating material as sealed and to identify who may have access to sealed material. A paper copy of the certificate of confidentiality must accompany the paper copy of the sealed brief filed with the court.
- Use ECF event-**BRIEF** to file public electronic version of brief from which sealed material has been redacted.

Sealed Version of Motions and Other Documents

If sealed material needs to be referenced in a motion or other document, counsel must file both a **sealed, highlighted version** and a **public, redacted version**, as well as a certificate of confidentiality.

- Use ECF event-**SEALED DOCUMENT** to file sealed electronic version of document in which sealed material has been highlighted. First page of document must be marked SEALED. Sealed version must be served on other parties outside ECF.
- Use ECF event-**Certificate of confidentiality** to identify authority for treating material as sealed and to identify who may have access to sealed material.
- Use the appropriate ECF event (e.g., **MOTION** or **RESPONSE/ANSWER**) to file public electronic version of document from which sealed material has been redacted.

Motions to Seal

A certificate of confidentiality may be used to request sealing of information protected by the Privacy Policy for Electronic Case Files, or by statute, rule, regulation, or order. To request sealing of other materials, or to request sealing of an entire brief or motion due to inability to create a public, redacted version, counsel must file a motion to seal.

The motion to seal must appear on the public docket for five days. The motion must identify the document or portions thereof for which sealing is requested, the reasons why sealing is necessary, the reasons a less drastic alternative will not afford adequate protection, and the period of time for which sealing is required. If it is necessary to reference sealed material in the motion, a **sealed, highlighted version** and a **public, redacted version** of the motion must be filed.

Highly Sensitive Documents

The court has adopted Standing Order 21-01 implementing procedures adopted by the Federal Judiciary for the filing of highly sensitive sealed documents in paper form, accompanied by a certificate (for material sealed by the district court or other tribunal) or motion (for requests to file material under seal in the first instance).

Forms: [Certificate of Confidentiality](#) & [Certificate for Highly Sensitive Document Protection](#)

Instructions: [How do I redact items from pleadings?](#) (Marking out text in a word processing document using a highlighter or box tool does not remove sensitive data from the document.)

Webb v. Northam, Record No. 22-1627

Webb v. Northam, Civil Action No. 3:22-cv-00222-DJN

Orders

FILED: June 28, 2022

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-1627
(3:22-cv-00222-DJN)

MAJOR MIKE WEBB, d/b/a Friends for Mike Webb (C00591537), a/k/a Major
Mike Webb for Congress (H8VA08167)

Plaintiff - Appellant

v.

RALPH S. NORTHAM

Defendant - Appellee

O R D E R

The court denies leave to proceed in forma pauperis.

For the Court--By Direction

/s/ Patricia S. Connor, Clerk

FILED: June 29, 2022

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-1627
(3:22-cv-00222-DJN)

MAJOR MIKE WEBB, d/b/a Friends for Mike Webb (C00591537), a/k/a Major
Mike Webb for Congress (H8VA08167)

Plaintiff - Appellant

v.

RALPH S. NORTHAM

Defendant - Appellee

O R D E R

The court dismisses this proceeding for failure to prosecute pursuant to
Local Rule 45.

For the Court--By Direction

/s/ Patricia S. Connor, Clerk

FILED: June 29, 2022

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-1627
(3:22-cv-00222-DJN)

MAJOR MIKE WEBB, d/b/a Friends for Mike Webb (C00591537), a/k/a Major Mike Webb for Congress (H8VA08167)

Plaintiff - Appellant

v.

RALPH S. NORTHAM

Defendant - Appellee

RULE 45 MANDATE

This court's order dismissing this appeal pursuant to Local Rule 45 takes effect today.

This constitutes the formal mandate of this court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure.

/s/ Patricia S. Connor, Clerk

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**
1100 East Main Street, Suite 501, Richmond, Virginia 23219

June 10, 2022

RULE 45 NOTICE

No. 22-1627, Major Mike Webb v. Ralph Northam
 3:22-cv-00222-DJN

TO: Michael David Webb

DEFAULT MUST BE REMEDIED BY: 06/27/2022

Please take notice that the court will dismiss this case for failure to prosecute pursuant to Local Rule 45 unless the default identified below is remedied within 15 days of the date of this notice through receipt of the requisite form or fee in the appropriate clerk's office. The forms are available for completion as links from this notice and at the court's web site, www.ca4.uscourts.gov.

[X] Leave to proceed in forma pauperis has been denied by the Court of Appeals. Filing fee must be paid to Clerk, U. S. District Court.

Jeffrey S. Neal, Deputy Clerk
804-916-2702

FILED: June 10, 2022

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-1627
(3:22-cv-00222-DJN)

MAJOR MIKE WEBB, d/b/a Friends for Mike Webb (C00591537), a/k/a Major
Mike Webb for Congress (H8VA08167)

Plaintiff - Appellant

v.

RALPH S. NORTHAM

Defendant - Appellee

O R D E R

The court denies leave to proceed in forma pauperis.

For the Court--By Direction

/s/ Patricia S. Connor, Clerk

In Re Major Mike Webb, Record No. 22-1669

Webb v. Northam, Civil Action No. 3:22-cv-00222-DJN

Orders

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**
1100 East Main Street, Suite 501, Richmond, Virginia 23219

June 21, 2022

INITIAL FEE NOTICE IN
CIVIL, HABEAS & 2255 CASES

No. 22-1669, Major Mike Webb v. Ralph Northam
3:22-cv-00222-DJN

DUE DATE: July 21, 2022

TO: Michael David Webb

According to the district court docket, the filing fee of **\$505** for this appeal has not been paid to the district court and you have not been granted leave to proceed in forma pauperis by the district court. Unless you have paid the filing fee to the Clerk, U.S. District Court, or been granted leave to proceed in forma pauperis by the district court by the due date shown above, you must file an **IFP-Application to proceed in forma pauperis** with the court of appeals by the due date shown

Failure to comply will cause this court to initiate the process set forth in Local Rule 45 to dismiss the appeal for failure to prosecute.

Jeffrey S. Neal, Deputy Clerk
804-916-2702

Filed: June 21, 2022

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

INFORMAL BRIEFING ORDER

No. 22-1669, Major Mike Webb v. Ralph Northam
 3:22-cv-00222-DJN

This case has been placed on the court's docket under the above-referenced number, which should be used on papers subsequently filed in this court. The case shall proceed on an informal briefing schedule pursuant to Local Rule 34(b). The Informal Brief Form is attached. Informal briefs shall be served and filed within the time provided in the following schedule. Only the original informal brief is required; no copies need be filed unless requested by the court.

Informal opening brief due: 07/15/2022

Informal response brief permitted within 14 days after service of informal opening brief (filing of an informal response brief is not required).

Informal reply brief permitted within 10 days after service of informal response brief, if any.

If the informal opening brief is not served and filed within the scheduled time, the case will be subject to dismissal pursuant to Local Rule 45 for failure to prosecute. Extensions of briefing deadlines are not favored by the court and are granted only for good cause stated in writing.

The court will not consider issues that are not specifically raised in the informal opening brief. If a transcript is necessary for consideration of an issue, appellant must order the transcript within 14 days of filing the notice of appeal, using the court's **Transcript Order Form**. Parties who qualify to proceed without prepayment of fees and costs may apply for preparation of the transcript at government expense. In direct criminal appeals in which the appellant has waived the right to counsel and elected to proceed pro se, the motion for transcript at government expense is filed in the Court of Appeals and transcript is ordered by the Court of Appeals. In other cases, the motion should be filed in the district court

in the first instance and must be accompanied by the requisite demonstration of a particularized need for the transcript to decide non-frivolous issues presented on appeal. The motion may be renewed in the Court of Appeals and must be accompanied by the informal brief.

The Court of Appeals reviews the district court or agency record in informally briefed cases. Therefore, no appendix is necessary. District court records are available to the parties through the Public Access to Court Electronic Records (PACER) system. See <https://www.pacer.gov>. Agency records are filed with the court of appeals in electronic or paper form. The parties may make advance arrangements to review agency records in pending appeals in the clerk's office.

The court will not appoint counsel or schedule a case for oral argument unless it concludes, after having reviewed the informal opening brief, that the case cannot be decided on the basis of the informal briefs and the record.

Counsel filing an informal brief on behalf of appellee must also complete and file an **Appearance of Counsel** form. Counsel for appellee will not appear on the court's opinion if an Appearance of Counsel form is not filed with the court.

Parties in civil and agency appeals **must file a Disclosure Statement within 14 days** of the informal briefing order, except that a disclosure statement is **not** required from the United States, from indigent parties, or from state or local governments in pro se cases.

Parties are responsible for ensuring that social security numbers, juvenile names, dates of birth, and financial account numbers are redacted from any documents filed with the court and that any sealed materials are filed in accordance with the enclosed **Memorandum on Sealed and Confidential Materials**.

Attorneys are required to file electronically in the Fourth Circuit. Information on obtaining an electronic filer account is available at www.ca4.uscourts.gov.

To qualify as a pro se electronic filer, a pro se litigant must obtain a PACER account and request filing privileges with the Fourth Circuit through their PACER account. Registration for a non-attorney e-filer account through PACER can be completed at <https://pacer.psc.uscourts.gov/pscof/regWizard.jsp>.

/s/ PATRICIA S. CONNOR, CLERK
By: Jeffrey S. Neal, Deputy Clerk

Copies: Michael David Webb
955 South Columbus Street
Arlington, VA 22204

Webb v. Northam, Civil Action No. 3:22-cv-00222-DJN

Orders

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

MAJOR MIKE WEBB,
pro se Plaintiff,

v.

Criminal No. 3:22cv222 (DJN)

RALPH SHEARER NORTHAM,
Defendant.

ORDER
(Denying Motion for Extension)

This matter comes before the Court on its own initiative. On April 15, 2022, the Court entered an Order (ECF No. 2) granting leave for Plaintiff to pay the filing fee and file a particularized amended complaint by May 6, 2022. The Court advised Plaintiff that failure to do so would result in dismissal of his case. (ECF No. 2.) Plaintiff did not file an amended complaint by the Court's deadline, and instead, filed an appeal in the United States Court of Appeals for the Fourth Circuit. *In re: Major Mike Webb*, No. 22-1422 (4th Cir. April 20, 2022). Because he failed to follow the Court's directive, the Court dismissed the Complaint without prejudice pursuant to Federal Rule of Civil Procedure 41(b) and closed this case. (ECF No. 5.) After the Court dismissed this case, Plaintiff filed an Amended Complaint, a Notice of Appeal to the Fourth Circuit and a Motion for Extension of time to file his Amended Complaint. (ECF Nos. 6-7, 9.) Because the Court previously closed this case, the Court hereby DENIES AS MOOT Plaintiff's Motion for Extension. (ECF No. 9.) Because the Court previously dismissed the Complaint without prejudice, Plaintiff may refile the complaint as a new case, if he so

chooses.

Let the Clerk file a copy of this Order electronically and send a copy to Plaintiff at his address of record.

It is so ORDERED.


/s/
David J. Novak
United States District Judge

Richmond, Virginia

Dated: June 6, 2022

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

MAJOR MIKE WEBB,
Plaintiff,

v.

Civil No. 3:22cv222 (DJN)

RALPH NORTHAM,
Defendant.

ORDER

(Denying Leave to Proceed *In Forma Pauperis*
and Ordering Particularized Complaint)

This matter comes before the Court on Plaintiff Major Mike Webb's ("Plaintiff") Motion for Leave to Proceed *in forma pauperis* (ECF No. 1) and Complaint (ECF No. 1-1). The Court finds that Plaintiff is not qualified to proceed *in forma pauperis* and, therefore, the Court hereby DENIES the Motion for Leave to Proceed *in forma pauperis*. The Court ORDERS Plaintiff to pay the required filing fee by May 6, 2022.

The Court has reviewed the Complaint and finds that it does not satisfy Federal Rule of Civil Procedure 8, which requires a short and plain statement of the grounds for this Court's jurisdiction and a short and plain statement of the claims showing that a plaintiff is entitled to relief. Accordingly, it is hereby ORDERED that, within twenty-one (21) days of this Order, Plaintiff shall file a particularized amended complaint that outlines in simple and straightforward terms why Plaintiff thinks that he is entitled to relief and why the Court has jurisdiction over this case, pursuant to Federal Rule of Civil Procedure 8(a)(1) and (2). The particularized amended

complaint must be legible and preferably created using a word processing software program, such as Microsoft Word.

The particularized amended complaint SHALL COMPLY with the following directions:

1. The caption of the particularized amended complaint must identify it as the "Amended Complaint for Civil Action No. 3:22cv222."
2. The first paragraph of the particularized amended complaint must contain a list of the defendant(s). Thereafter, in the body of the particularized amended complaint, Plaintiff 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 as "Count One," "Count Two," etc., Plaintiff must clearly identify each federal or state law allegedly violated. Under each section, Plaintiff must list each defendant purportedly liable under that legal theory and explain why he believes each defendant is liable to him. Such explanation should reference the specific numbered factual paragraphs in the body of the particularized amended complaint that support that assertion.
3. Plaintiff should also include the relief that he seeks. If he seeks money damages, Plaintiff should include the dollar amount of damages. If Plaintiff seeks injunctive relief, he should state what he would like the injunction to do.
4. The particularized amended complaint must stand or fall on its own accord. Plaintiff may not reference statements in the prior Complaint (ECF No. 1-1).
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*, 2008 WL 3926443, at *2 (E.D. Va. Aug. 26, 2008).

Once filed, the particularized amended complaint will become the operative complaint in this case.

The failure to strictly comply with the Court's directive and with applicable rules will result in DISMISSAL of this action for failure to prosecute under Federal Rule of Civil Procedure 41(b).

Let the Clerk file a copy of this Order electronically, notify all counsel of record and send a copy to Plaintiff at his address of record.

It is so ORDERED.


/s/
David J. Novak
United States District Judge

Richmond, Virginia
Dated: April 15, 2022