APP. (A) (1)

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
PRO SE OFFICE
35 E. Mountain, Suite 510
FAYETTEVILLE, ARKANSAS 72701

September 1, 2021

EXHIBIT

Mr. Charles Edward Jones, Sr.
#144544
Arkansas Division of Correction
Delta Regional Unit
880 East Gaines Street
Dermott, AR 71638

Re: Letter Dated August 27, 2021

Dear Mr. Jones:

In your letter you indicate you are writing concerning "filing a Bivens Complaint on federal employees within the Eastern District of Arkansas." You say you are "scared" to file the case in the Eastern District because you do not believe you will "receive a favorable ruling." You ask that you be allowed to proceed in this district.

Where a lawsuit may be filed is governed by federal statute. Specifically, venue is governed by 28 U.S.C. § 1391(b) which provides that a civil action may be brought in: (1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or (3) if there is no district in which an action may be otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

Sincerely,

Sherry M. Gilbertson

Sherry M. Gilbertson
Pro Se Law Clerk

(1) 19

MR. CHARLES EDWARD JONES, SR. # 141464
DELTA REGIONAL UNIT
850 EAST GAINES STREET
DERMOTT, ARKANSAS 71638

ADC
DELTA
REGIONAL
UNIT

TO: UNITED STATES DISTRICT CLE
WESTERN DISTRICT OF ARKANS
PRO-SE CLERK'S OFF
35 EAST MOUNTAIN SUITE
FAYETTEVILLE, ARKANSAS
72701

(2)

RECEIVED
MAR 23 2022
U.S. CLERK'S OFFICE

Other Orders/Judgments

5:22-cv-05056-TLB-MEF Jones v. Jane or John Doe #1 et al

CASREF,SMG

(3)

U. S. District Court

Western District of Arkansas

Notice of Electronic Filing

The following transaction was entered on 3/30/2022 at 3:32 PM CDT and filed on 3/30/2022

Case Name: Jones v. Jane or John Doe #1 et al
Case Number: 5:22-cv-05056-TLB-MEF
Filer:
Document Number: 2

Docket Text:
ORDER TRANSFERRING CASE to Eastern District of Arkansas, Delta Division. Docket Sheet and case documents sent to receiving court. Signed by Honorable Christy D. Comstock on March 30, 2022. (lgd)

5:22-cv-05056-TLB-MEF Notice has been electronically mailed to:

5:22-cv-05056-TLB-MEF Notice has been delivered by other means to:

Charles Edward Jones, Sr
144544
ADC - DELTA REGIONAL UNIT
880 East Gaines
Dermott, AR 71638-9505

The following document(s) are associated with this transaction:

Document description: Main Document
Original filename:n/a
Electronic document Stamp:
[STAMP dcecfStamp_ID=1094675213 [Date=3/30/2022] [FileNumber=2166412-0
] [1a51700ad8d5a186cef1f9e5e76a197240d50cd9a21288a2042d40c6253f6293481
8ea7ec2979bee40230362ac992394184c23ed1bc15ffbaf60f105cc09b160]]

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Other Events

5:22-cv-05056-TLB Jones v. Jane or John Doe #1 et al

SMG,TRANSF

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U. S. District Court

Western District of Arkansas

Notice of Electronic Filing

The following transaction was entered on 3/30/2022 at 3:36 PM CDT and filed on 3/30/2022
Case Name: Jones v. Jane or John Doe #1 et al
Case Number: 5:22-cv-05056-TLB
Filer:
Document Number: No document attached

Docket Text:
TEXT ONLY ENTRY: Case Transferred to the Arkansas Eastern via Civil Case Extraction. (lgd)

5:22-cv-05056-TLB Notice has been electronically mailed to:

5:22-cv-05056-TLB Notice has been delivered by other means to:

Charles Edward Jones, Sr
144544
ADC - DELTA REGIONAL UNIT
880 East Gaines
Dermott, AR 71638-9505

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Complaints and Other Initiating Documents

5:22-cv-05056-TLB-MEF Jones v. Jane or John Doe #1 et al

U. S. District Court

Western District of Arkansas

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Notice of Electronic Filing

The following transaction was entered on 3/30/2022 at 3:26 PM CDT and filed on 3/30/2022

Case Name: Jones v. Jane or John Doe #1 et al
Case Number: 5:22-cv-05056-TLB-MEF
Filer: Charles Edward Jones, Sr
Document Number: 1

Docket Text:
COMPLAINT REFERRED (42:1983) against Jane and John Does, Jane or John Doe #1, Jane or John Doe #2, filed by Charles Edward Jones, Sr.(lgd)

5:22-cv-05056-TLB-MEF Notice has been electronically mailed to:

5:22-cv-05056-TLB-MEF Notice has been delivered by other means to:

Charles Edward Jones, Sr
144544
ADC - DELTA REGIONAL UNIT
880 East Gaines
Dermott, AR 71638-9505

The following document(s) are associated with this transaction:

Document description: Main Document
Original filename:n/a
Electronic document Stamp:
[STAMP dcecfStamp_ID=1094675213 [Date=3/30/2022] [FileNumber=2166409-0
] [4f03ed32e9d285d49a13dbbe5f56c38e97003cef64cac07ad0c5423b00625527370
2c2cc14723d7f7a468dab1b2836869aa199e933f0e155f034a6b22828cf73]]

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IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

(6)

CHARLES EDWARD JONES, SR. PLAINTIFF

v. Civil No. 5:22cv5056-TLB-MEF

JANE OR JOHN DOE #1, LAW CLERK TO JUDGE BILLY ROY WILSON; JANE OR JOHN DOE #2 LAW CLERK TO JUDGE JAMES MOODY AND MAGISTRATE JUDGE JOE VOLPE; and JANE OR JOHN DOES, FILING CLERKS, EASTERN DISTRICT OF ARKANSAS DEFENDANTS

ORDER

Charles E. Jones, Sr., has submitted for filing in this district a *pro se* Bivens action. Plaintiff has failed to submit a motion to proceed *in forma pauperis* (IFP).

The Court finds the interests of justice would be best served by transferring this case to the United States District Court for the Eastern District of Arkansas, Delta Division. Plaintiff is incarcerated in the Delta Regional Unit of the Arkansas Division of Correction. The Delta Regional Unit is located in Chicot County which is within the Delta Division. All actions that are subject to the complaint occurred in the Eastern District of Arkansas. The Defendants reside in the Eastern District of Arkansas. Venue would be proper under 28 U.S.C. § 1406(a).[1]

The Clerk of Court is directed to immediately **TRANSFER** PLAINTIFF'S ENTIRE CASE FILE to the Eastern District of Arkansas, Delta Division, U.S. District Court Clerk's Office, Richard Sheppard Arnold United States Courthouse, 600 West Capitol, #A149, Little Rock, AR

[1] "The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought."

EXHIBIT (3)

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
SIXTH DIVISION

(2)

CHARLES EDWARD JONES, SR. PLAINTIFF

v. CASE NO. 60CV-21-4791

DEXTER PAYNE, Director of Corrections DEFENDANT

ORDER

On this day came on for consideration Plaintiff's *Petition for Declaratory Judgment* filed on August 11, 2021. The court finds that this *Petition for Declaratory Judgment* should be and is hereby dismissed for lack of service.

IT IS SO ORDERED.

TIMOTHY DAVIS FOX
CIRCUIT COURT JUDGE

12/16/21
DATE

(4) (4)

(54)

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
DELTA DIVISION

(2)

CHARLES EDWARD JONES, SR
ADC #144544 App (E)

PLAINTIFF

v. **NO: 2:22-CV-00051-BSM** 1-8

DOES **DEFENDANT**

ORDER

Charles Edward Jones's complaint is dismissed for failure to state a claim on which relief may be granted. *See* 28 U.S.C. 1915A (complaint subject to screening). Jones's motion for status update [Doc. No. 18] is granted. The Clerk is directed to send a copy of the docket sheet along with this Order. All other pending motions [Doc. Nos. 9, 14, 15, 17] are denied as moot. It is recommended that this dismissal count as a "strike" for the purposes of 28 U.S.C. section 1915(g), and an *in forma pauperis* appeal would not be taken in good faith.

Jones, an inmate at the Delta Regional Unit of the Arkansas Division of Correction, brings this *pro se Bivens* action against Doe Defendants who include the law clerks to Judge Billy Roy Wilson, Judge James Moody, and Magistrate Judge Joe Volpe, as well as against the filing clerks of the Eastern District of Arkansas. Doc. No. 1. Jones contends that both Judge Wilson's law clerk and the filing clerks acted maliciously with regard to a section 1983 case Jones filed in 2018, *Jones v. Griffin*, 5:18-CV-00192-BRW. Doc. No. 1 at 6. Jones argues that Judge Wilson's law clerk issued fraudulent opinions by the use of Judge Wilson's electronic signature. *Id.* Jones raises similar concerns about an earlier section 1983 action

opining that Judge Volpe's recommended disposition and Judge Moody's order adopting it were fraudulently issued by their law clerks. *Id.* at 7-8; *see Jones v. Kelley*, 5:16-CV-00278-JM. In short, Jones argues that none of his previous section 1983 cases were lawfully decided and that, as a result, his rights to due process and equal protection were violated. *Id.* at 8. Jones seeks injunctive and declaratory relief as well as damages. Doc. No. 1 at 9-10.

Jones fails to state a claim upon which relief can be granted under *Bivens*. *See Farah v. Weyker*, 926 F.3d 492, 497-98 (8th Cir. 2019) (analyzing the three types of claims recognized under *Bivens v. Six Unknown Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971)). Further, Jones's official capacity claims fail because Jones cannot bring a *Bivens* claim against the United States. *Servs. Corp. v. Malesko*, 534 U.S. 61, 72 (2001). *See generally Egerdahl v. Hibbing Cmty. Coll.*, 72 F.3d 615, 619 (8th Cir. 1995) (official capacity is presumed when complaint is silent as to the capacity in which he sues the defendants). Even if Jones had brought individual capacity claims, the defendants would be entitled to absolute immunity, which "applies to all acts of auxiliary court personnel that are basic and integral part[s] of the judicial function." *Kendrick v. Doe*, 4:08-CV-00359-JLH, 2008 WL 2782887, at *2 (E.D. Ark. July 8, 2008) (*quoting Sindram v. Suda*, 986 F.2d 1459, 1461 (D.C. Cir. 1993)); *see also Mitchell v. McBryde*, 944 F.2d 229, 230 (5th Cir. 1991) (holding law clerks entitled to absolute immunity for actions carried out while assisting with judicial functions).

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Additionally, the time and method for Jones to challenge the validity of the outcome of those cases was on direct appeal. *Pulliam v. Allen*, 466 U.S. 522, 542, n.22 (1984) (equitable relief is unavailable when an adequate remedy exists in law). The Eighth Circuit dismissed both of Jones's appeals of those cases for failure to prosecute. *See Jones v. Kelley*, 5:16-CV-00278-JM (Doc. 38); *Jones v. Griffin*, 5:18-CV-00192-BRW (Doc. 97), cert. denied, 140 S. Ct. 249 (Oct. 7, 2019).

Jones has offered nothing but conclusory allegations that either the law clerks or the filings clerks acted outside of their authority in reviewing his cases. At best, Jones points to electronic signatures. However, the Administrative Policies and Procedures for civil filings in the Eastern District of Arkansas specifically provides for electronic signatures. *See Case* Management/Electronic Case Files System's Administrative Policies and Procedures adopted by General Order 53. Moreover, neither the judge's law clerks nor the filing clerks control how a judge decides a case or when a formal opinion is issued.

Jones's claims against state defendants [Doc. No. 9] are dismissed because they are unrelated to his *Bivens* action. FED. R. CIV. P. 21. Finally, despite Jones's concerns about bias [Doc. No. 1 at 33], no reasonable person with knowledge of the facts and circumstances of this case would question impartiality. As a result, disqualification is unnecessary. *See* 28 U.S.C. §455(a).

IT IS SO ORDERED this 30th day of June, 2022.

Brian S Miller

UNITED STATES DISTRICT JUDGE

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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
DELTA DIVISION

CHARLES EDWARD JONES, SR **PLAINTIFF**
ADC #144544

v. **NO: 2:22-CV-00051-BSM**

DOES **DEFENDANT**

ORDER

Charles Edward Jones's motion to alter or amend the judgment [Doc. No. 25] is denied.

IT IS SO ORDERED this 26th day of July, 2022.

Brian S Miller
UNITED STATES DISTRICT JUDGE

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Additional material from this filing is available in the Clerk's Office.