

UNPUBLISHED

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

No. 22-6626

DALTON ALONZO DIXON,

Plaintiff - Appellant,

v.

STATE OF NORTH CAROLINA; STATE OF VIRGINIA,

Defendants - Appellees.

No. 22-6695

DALTON ALONZO DIXON,

Plaintiff - Appellant,

v.

STATE OF NORTH CAROLINA; STATE OF VIRGINIA,

Defendants - Appellees.

Appeals from the United States District Court for the Eastern District of North Carolina, at
Raleigh. James C. Dever III, District Judge. (5:21-ct-03291-D)

Submitted: November 17, 2022

Decided: November 23, 2022

"Appendix A"
Page 1 of 3

Before KING, QUATTLEBAUM, and RUSHING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Dalton Alonzo Dixon, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In these consolidated cases, Dalton Alonzo Dixon appeals the district court's orders (a) dismissing Dixon's 42 U.S.C. § 1983 complaint under 28 U.S.C. § 1915A(b); and (b) denying his Fed. R. Civ. P. 59(e) motion to alter or amend judgment. Having reviewed the record and finding no reversible error, we affirm the district court's orders. *Dixon v. North Carolina*, No. 5:21-ct-03291-D (E.D.N.C. Apr. 18, 2022 & May 27, 2022). We deny Dixon's motions for leave to file an amended complaint. 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.

AFFIRMED

UNPUBLISHED

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

No. 22-1894

In re: DALTON ALONZO DIXON,

Petitioner.

On Petition for Extraordinary Writ. (5:21-ct-03291-D)

Submitted: October 13, 2022

Decided: October 17, 2022

Before NIEMEYER and AGEE, Circuit Judges, and KEENAN, Senior Circuit Judge.

Petition denied by unpublished per curiam opinion.

Dalton Alonzo Dixon, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

"Appendix C"

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PER CURIAM:

Dalton Alonzo Dixon, a North Carolina inmate, petitions for an extraordinary writ pursuant to 28 U.S.C. § 1651, seeking an order from this court “[d]ischarg[ing Dalton] from any/and all unconstitutional social (commercial) contract(s) that stands in violation of [his] common law rights. And any other forms of relief [he] may be entitled to.” (Pet. for Extraordinary Writ (ECF No. 2) at 12-13).

Our authority to issue extraordinary writs under the All Writs Act “is only incidental to and in aid of [our] appellate jurisdiction, which Congress has given [Courts of Appeals] over district courts and administrative boards and agencies.” *Gurley v. Superior Ct. of Mecklenburg Cnty.*, 411 F.2d 586, 587 (4th Cir. 1969) (per curiam) (citations omitted). The relief sought by Dixon is not available by way of extraordinary writ. Accordingly, we deny the petition. 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

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:21-CT-3291-D

DALTON ALONZO DIXON,

Plaintiff,

v.

STATE OF NORTH CAROLINA
et al.,

Defendants.

ORDER

On September 22, 2021, Dalton Alonzo Dixon ("plaintiff" or "Dixon"), a state inmate proceeding pro se, filed a "PETITION To Appoint Clerk of Court, Peter A. Moore Jr. As Fiduciary Trustee For The Limited Purpose of Discharging Debt" seeking "settlement and closure" of his criminal convictions [D.E. 1]. Dixon proceeds in forma pauperis [D.E. 5, 14]. On September 30, 2021, Dixon refiled his petition on the form complaint prescribed for use in this district [D.E. 4]. Dixon has filed numerous supplements and motions to amend his complaint [D.E. 8, 9, 12, 15, 16, 17] and for the "removal" of this action to "The UNITED STATES DISTRICT COURT For the Eastern District of North Carolina, under the U.S. Const. art. III, sec. 2, jurisdiction and/or venue" [D.E. 11]. As explained below, the court grants the motions in part, reviews all of Dixon's filings, and dismisses the action as frivolous.

When a prisoner seeks relief in a civil action from a governmental entity or officer, a court must review and dismiss the complaint if it is "frivolous, malicious, or fails to state a claim upon which relief may be granted." 28 U.S.C. §§ 1915A(a)-(b)(1). A frivolous case "lacks an arguable basis either in law or in fact." Neitzke v. Williams, 490 U.S. 319, 325 (1989). "Legally frivolous

" Appendix ① "

claims are based on an indisputably meritless legal theory and include claims of infringement of a legal interest which clearly does not exist.” Adams v. Rice, 40 F.3d 72, 75 (4th Cir. 1994) (quotations omitted). Factually frivolous claims lack an “arguable basis” in fact. Neitzke, 490 U.S. at 325.

The standard used to evaluate the sufficiency of a pleading is flexible, “and a pro se complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.” Erickson v. Pardus, 551 U.S. 89, 94 (2007) (per curiam) (quotation omitted). Erickson, however, does not “undermine [the] requirement that a pleading contain ‘more than labels and conclusions.’” Giarratano v. Johnson, 521 F.3d 298, 304 n.5 (4th Cir. 2008) (quoting Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007)); see Ashcroft v. Iqbal, 556 U.S. 662, 677–83 (2009); Coleman v. Md. Court of Appeals, 626 F.3d 187, 190 (4th Cir. 2010), aff’d, 566 U.S. 30 (2012); Nemet Chevrolet, Ltd. v. Consumeraffairs.com, Inc., 591 F.3d 250, 255–56 (4th Cir. 2009); Francis v. Giacomelli, 588 F.3d 186, 192–93 (4th Cir. 2009).

Dixon, “a private person and natural-born Constitutional Citizen,” seeks “full settlement and closure” of his criminal convictions (and presumably his release from prison) under several familiar frivolous legal theories concerning debtor and creditor law, admiralty and maritime jurisdiction, and the typing of his name in all capital letters as an “Artificial-person canon[.]” See [D.E. 1, D.E. 4, D.E. 4-1, D.E. 9, D.E. 15, D.E. 16, D.E. 17]. Unfortunately for Dixon, a criminal judgment is not a financial document, the terms of which may be negotiated by commercial codes or contractual principles. See, e.g., Brown-Bey v. North Carolina, No. 5:17-CT-3253-D, 2018 WL 7001457, at *1 (E.D.N.C. Sept. 27, 2018) (unpublished); report and recommendation adopted by 2019 WL 165697 (E.D.N.C. Jan. 9, 2019) (unpublished); Gatling-Bey v. Kennedy, No. 5:18-CT-3043-D, 2018 WL 9669768, at *2 (E.D.N.C. Sept. 17, 2018) (unpublished) (collecting cases), aff’d, 754 F. App’x 222

(4th Cir. 2018) (per curiam) (unpublished); Marrero v. Warden, No. 5:17-HC-2020-BO, 2017 WL 4112282, at *1 (E.D.N.C. May 23, 2017) (unpublished), aff'd, 693 F. App'x 266 (4th Cir. 2017) (per curiam) (unpublished); Rowe v. Pennsylvania, No. 14-2702, 2014 WL 2805239, at *1 (E.D. Pa. June 20, 2014) (unpublished); McCullough v. United States, No. 3:11CV176, 2011 WL 3652332, at *2 (E.D. Va. Aug. 18, 2011) (unpublished); Crawford v. United States, No. 09-3078-RDR, 2009 WL 1657546, at *1 (D. Kan. June 12, 2009) (unpublished). Likewise, courts (including this one) have overwhelmingly rejected the "sovereign citizen" arguments that Dixon makes. See, e.g., Brown-Bey, 2018 WL 7001457, at *1; Gatling-Bey, 2018 WL 9669768, at *2; Spates v. Hawkins, No. 5:16-HC-2008-D, 2016 WL 9083381, at *3 (E.D.N.C. Oct. 6, 2016) (unpublished); United States v. Perkins, No. 1:10-cr-97-1-JEC-LTW, 2013 WL 3820716, at *1-10 (N.D. Ga. July 23, 2013) (unpublished), aff'd, 787 F.3d 1329 (11th Cir. 2015); Klaudt v. Dooley, No. Civ. 10-4091-KES, 2010 WL 5391571, at *8 (D.S.D. Dec. 22, 2010) (unpublished); Rout v. First Sav. Mortg. Corp., No. RWT 09cv3117, 2010 WL 1837720, at *3 (D. Md. May 5, 2010) (unpublished). Thus, the court dismisses the action as frivolous.

In sum, the court DENIES plaintiff's motion to remove this action [D.E. 11] as frivolous. The court GRANTS plaintiff's motions to amend [D.E. 8, 9, 12, 17], but DISMISSES the action as frivolous under 28 U.S.C. § 1915A(b)(1). The clerk shall close the case.

SO ORDERED. This 18 day of April, 2022.


JAMES C. DEVER III
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:21-CT-3291-D

DALTON ALONZO DIXON,

Plaintiff,

v.

STATE OF NORTH CAROLINA
et al.,

Defendants.

ORDER

On September 22, 2021, Dalton Alonzo Dixon ("plaintiff" or "Dixon"), a state inmate proceeding pro se and in forma pauperis, filed a "PETITION To Appoint Clerk of Court, Peter A. Moore Jr. As Fiduciary Trustee For The Limited Purpose of Discharging Debt" seeking "settlement and closure" of his criminal convictions [D.E. 1, 5, 14]. On September 30, 2021, Dixon refiled his petition on the form complaint prescribed for use in this district [D.E. 4]. On April 18, 2022, the court granted Dixon's motions to amend and dismissed the action as frivolous [D.E. 18]. On the same date, the clerk entered judgment [D.E. 19]. On May 12, 2022, Dixon appealed [D.E. 24].

On May 2, 2022, Dixon moved to alter or amend the judgment [D.E. 22]. On May 16, 2022, Dixon moved to file an amended complaint [D.E. 23]. The court has considered the motions under the applicable governing standard. See Fed. R. Civ. P. 15; Fed. R. Civ. P. 59(e); Zinkand v. Brown, 478 F.3d 634, 637 (4th Cir. 2007); Bogart v. Chapell, 396 F.3d 548, 555 (4th Cir. 2005); Dennis v. Columbia Colleton Med. Ctr., Inc., 290 F.3d 639, 653 (4th Cir. 2002); Pac. Ins. Co. v. Am. Nat'l Fire Ins. Co., 148 F.3d 396, 403 (4th Cir. 1998); Hughes v. Bedsole, 48 F.3d 1376, 1382 (4th Cir. 1995). The motions lack merit and are denied.

" Appendix E "

In sum, the court DENIES Dixon's motions to alter or amend the judgment [D.E. 22] and for leave to file an amended complaint [D.E. 23]. The court DIRECTS the clerk not to accept any further filings in this case other than a notice of appeal.

SO ORDERED. This 27 day of May, 2022.



JAMES C. DEVER III
United States District Judge

FILED: November 22, 2022

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-1894
(5:21-ct-03291-D)

In re: DALTON ALONZO DIXON

Petitioner

ORDER

The petition for rehearing en banc was circulated to the full court. No judge requested a poll under Fed. R. App. P. 35. The court denies the petition for rehearing en banc and the motion for summary judgment.

For the Court

/s/ Patricia S. Connor, Clerk

" Appendix B "

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