

~~Exhibit 001~~

Appendix A)

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen
United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



Office of the Clerk
Phone: (312) 435-5850
www.ca7.uscourts.gov

ORDER

Submitted September 13, 2022

Decided September 14, 2022

Before

FRANK H. EASTERBROOK, *Circuit Judge*

DIANE P. WOOD, *Circuit Judge*

MICHAEL Y. SCUDDER, *Circuit Judge*

No. 22-2455	DEON LEWIS DUKE, formerly doing business as Serious Tattooing, formerly doing business as Deon LLC, formerly doing business as Option Inc, Plaintiff - Appellant v. MICROSOFT CORPORATION, et al., Defendants - Appellees
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Originating Case Information:

District Court No: 1:22-cv-00792-WCG
Eastern District of Wisconsin
District Judge William C. Griesbach

The following are before the court:

1. **PROTECTION EMERGENCY MOTION FOR A SUSPENSION OF THE RULES/PETITION TO SEAL RECORD**, filed on September 8, 2022, by pro se appellant.
2. **NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS**, filed on September 8, 2022, by pro se appellant.
3. **PETITION FOR MOTIONS/PERMISSION TO APPEAL IN FORMA PAUPERIS**, filed on September 8, 2022, by pro se appellant.

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4. EXHIBITS, filed on September 8, 2022, by pro se appellant.

5. MOTION TO PRESENT ALL ORIGINAL DOCUMENTS, forwarded from the District Court, filed on September 14, 2022, by pro se appellant.

6. PETITION FOR MOTIONS/PERMISSION TO APPEAL IN FORMA PAUPERIS, forwarded from the District Court, filed on September 14, 2022, by pro se appellant.

This court has carefully reviewed the final order of the district court, the record on appeal, and appellant's motions and other filings in this court. Based on this review, the court has determined that any issues which could be raised are insubstantial and that further briefing would not be helpful to the court's consideration of the issues. *See Taylor v. City of New Albany*, 979 F.2d 87 (7th Cir. 1992); *Mather v. Village of Mundelein*, 869 F.2d 356, 357 (7th Cir. 1989) (per curiam) (court can decide case on motions papers and record where briefing would be not assist the court and no member of the panel desires briefing or argument). The district court appropriately dismissed the appellant's complaint at screening for making "irrational" and "delusional" allegations. Accordingly,

IT IS ORDERED that the motion to proceed in forma pauperis is DENIED, and the final order of the district court is summarily AFFIRMED. Any requests or contentions in Duke's other filings have been rejected.

Document 5

United States District Court

EASTERN DISTRICT OF WISCONSIN

DEON LEWIS DUKE,
formerly d/b/a Serious Tattooing
formerly d/b/a Deon LLC, and
formerly d/b/a Option Inc.,

Plaintiff,

v.

JUDGMENT IN A CIVIL CASE

Case No. 22-C-792

MICROSOFT CORPORATION,

Defendant.

- Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict
- Decision by Court.** This action came before the Court for consideration.

IT IS HEREBY ORDERED AND ADJUDGED that the plaintiff takes nothing and the case is DISMISSED.

Approved: s/ William C. Griesbach
WILLIAM C. GRIESBACH
United States District Judge

Dated: July 27, 2022

GINA M. COLLETTI
Clerk of Court

s/ Cheryl A. Veazie
(By) Deputy Clerk

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DEON LEWIS DUKE,
formerly d/b/a Serious Tattooing,
formerly d/b/a Deon LLC, and
formerly d/b/a Option Inc.,

Plaintiff,

v.

Case No. 22-C-792

MICROSOFT CORPORATION, et al.,

Defendants.

ORDER

On July 11, 2022, Plaintiff filed this action against Defendants Microsoft Corporation, Alphabet Corporation, Meta Platforms, Inc., and Charter Communications pursuant to the Defend Trade Secrets Act of 2016, 18 U.S.C. § 1836(b). Plaintiff also filed a motion for leave to proceed *in forma pauperis*. The Court denied the motion because it indicated that Plaintiff had \$2,249.00 in income, \$1,040.00 in monthly expenses, and no significant debt. On July 25, 2022, Plaintiff filed a response to the Court's order, asserting that the Court misread his monthly income and requesting that it reconsider his motion. Dkt. Nos. 6 & 7. The Court will not reconsider Plaintiff's motion but instead dismiss this action as factually frivolous.

The Court is authorized to screen the complaint, regardless of a plaintiff's fee status, to "save everyone time and legal expense." *See Hoskins v. Poelstra*, 320 F.3d 761, 763 (7th Cir. 2003). In screening a complaint, the Court must determine whether the complaint complies with the Federal Rules of Civil Procedure and states at least plausible claims for which relief may be granted. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009); Fed. R. Civ. P. 8. To state a cognizable

at *2 (W.D. Wis. Aug. 26, 2021) (“Ash’s allegations that she is attacked by radiation, surveilled by military drones, followed everywhere, and has voices forcefully broadcast to her are irrational and implausible. These allegations cannot support a claim for relief.”). Therefore, because Plaintiff’s allegations are delusional and irrational, this case will be dismissed as frivolous. Although it is usually necessary to permit a plaintiff the opportunity to file an amended complaint when a case is dismissed *sua sponte*, that is unnecessary when the amendment would be futile. *See Hukic v. Aurora Loan Servs.*, 588 F.3d 420, 432 (7th Cir. 2009).

IT IS THEREFORE ORDERED that Plaintiff’s request, Dkt. No. 6, that this Court reconsider its denial of his motion to proceed *in forma pauperis* is denied and this case is dismissed as frivolous. The Clerk is directed to enter judgment accordingly.

Dated at Green Bay, Wisconsin this 26th day of July, 2022.

s/ William C. Griesbach
William C. Griesbach
United States District Judge