

No. 21-1831

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED

Sep 6, 2022

DEBORAH S. HUNT, Clerk

CARL HUNTER,

)

)

Plaintiff-Appellant,

)

)

v.

)

O R D E R

)

DISTRICT OF ASIA; JOSEPH R. BIDEN;
KAMALA HARRIS; USA HEALTH CARE,

)

)

Defendants-Appellees.

)

)

Before: GRIFFIN, NALBANDIAN, and READLER, Circuit Judges.

Carl Hunter, a Michigan resident proceeding pro se, has filed a petition for rehearing of this court's order of August 8, 2022, affirming the district court's dismissal of his complaint against the "District of Asia," President Joseph R. Biden, Vice President Kamala Harris, and the "World Order."

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.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk

NOT RECOMMENDED FOR PUBLICATION

No. 21-1831

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED

Aug 8, 2022

DEBORAH S. HUNT, Clerk

CARL HUNTER,

)

Plaintiff-Appellant,

)

v.

) ON APPEAL FROM THE UNITED
STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF
MICHIGAN

DISTRICT OF ASIA; JOSEPH R. BIDEN;
KAMALA HARRIS; USA HEALTH CARE,

)

Defendants-Appellees.

)

O R D E R

Before: GRIFFIN, NALBANDIAN, and READLER, Circuit Judges.

Carl Hunter, a Michigan resident proceeding pro se, appeals the district court's sua sponte dismissal of his complaint against the "District of Asia" (which he defines as China, Japan, and "Korea"), President Joseph R. Biden, Vice President Kamala Harris, and the "World Order." 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 2021, Hunter filed a complaint against the defendants, marking several boxes on the civil cover sheet regarding the nature of his claims, including assault, libel and slander, property damage and product liability, other fraud, and deportation. He alleged, among other things, that various U.S. presidents had failed to transfer money to an account to settle the national debt and that biblical prophecy decreed that he should be deported to Rome. Upon Hunter's motion to proceed in forma pauperis, the district court screened the complaint under 28 U.S.C. § 1915(e)(2)(B) and dismissed the matter, concluding that Hunter failed to put forth facts that

support a viable claim for relief and that he also “fail[ed] to show how his claims . . . are not frivolous.”

Hunter appealed and has since filed an appellate brief and two supplemental briefs. As with Hunter’s previous federal court filings, his appellate briefs are “rambling [and] largely unintelligible.” *Hunter v. Snyder*, No. 13-2170, slip op. at 1 (6th Cir. Nov. 6, 2013).

We review a district court’s dismissal of a complaint under 28 U.S.C. § 1915(e)(2)(B) de novo. *See Hill v. Lappin*, 630 F.3d 468, 470 (6th Cir. 2010). Under that statute, district courts must screen and dismiss a complaint filed in forma pauperis if that complaint “is frivolous or malicious,” “fails to state a claim on which relief may be granted,” or “seeks monetary relief against a defendant who is immune from such relief.” 28 U.S.C. § 1915(e)(2)(B). *See also Hill*, 640 F.3d at 470. A complaint is frivolous “if the plaintiff fails to present a claim with ‘an arguable basis either in law or fact.’” *Brand v. Motley*, 526 F.3d 921, 923 (6th Cir. 2008) (quoting *Neitzke v. Williams*, 490 U.S. 319, 325 (1989)). A claim lacks an arguable basis in law when “indisputably meritless” legal theories underlie the complaint and it lacks an arguable basis in fact when it relies on “fantastic or delusional” allegations. *Neitzke*, 490 U.S. at 327-28. To survive scrutiny, “a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.” *Hill*, 630 F.3d at 471 (quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)).

Hunter does not challenge the district court’s dismissal of his complaint pursuant to § 1915(e)(2)(B); instead, he continues to put forth some of the same virtually incoherent arguments lacking in factual content, including that he is the “treasurer trustee” of the “World U.S.A.” and is owed \$29,000,000,000,000. In his supplemental filings, Hunter also asks that we “humble [ourselves] under the mighty hand of GOD.” Hunter has ultimately failed to show, or even attempt to show, that any part of his underlying action is non-frivolous.

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For these reasons, we **AFFIRM** the district court's judgment.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt
Deborah S. Hunt, Clerk

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CARL HUNTER,

Plaintiff,

v.

DISTRICT OF ASIA, et al.,

Defendants.

Case No. 21-12830
Honorable Laurie J. Michelson

JUDGMENT

In accordance with the order entered today, it is hereby ORDERED and ADJUDGED that this case is DISMISSED.

Dated this 14th day of December 2021 in Detroit, Michigan.

KINIKIA ESSIX
CLERK OF THE COURT

By: s/Erica Parkin
DEPUTY COURT CLERK

APPROVED:

s/Laurie J. Michelson
LAURIE J. MICHELSON
UNITED STATES DISTRICT JUDGE

Dated: December 14, 2021

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CARL HUNTER,

Plaintiff,

v.

DISTRICT OF ASIA, et al.,

Defendants.

Case No. 21-12830
Honorable Laurie J. Michelson

**ORDER GRANTING APPLICATION TO PROCEED IN FORMA
PAUPERIS [2] AND DISMISSING COMPLAINT [1]**

Carl Hunter filed this case pro se and makes a number of allegations related to treason, the national debt, being wrongfully thrown out of his property, and being tortured. He sues the District of Asia, which he defines as China, Japan, and Korea, President Joe Biden, Vice President Kamala Harris, and USA Health Care World. (ECF No. 1, PageID.2–3.) On his civil cover sheet, Hunter checks the following boxes describing the nature of his suit: “assault, libel, & slander;” “other fraud;” “Truth in Lending;” “other personal property damage;” “property damage product liability;” and “deportation.” (ECF No. 1, PageID.12.) Hunter provides few, if any, underlying facts to support his allegations.

Hunter has requested to proceed without prepayment of fees or costs. (ECF No. 2.) Under 28 U.S.C. § 1915(a)(1), the Court may authorize commencement of an action without prepayment (in forma pauperis) if the plaintiff demonstrates he

cannot pay such fees. Hunter states that he lives in public housing and does not list any income he currently receives. (ECF No. 2, PageID.13.) The Court finds that Hunter is thus entitled to proceed in forma pauperis and grants his application to proceed without prepayment of the filing fee and costs. *See* 28 U.S.C. § 1915(a)(1).

But § 1915 also requires that the Court screen each case that is granted in forma pauperis status and *sua sponte* dismiss the case at any time if the Court determines that it is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune. *See* 28 U.S.C. § 1915(e)(2)(B); *see also McGore v. Wrigglesworth*, 114 F.3d 601, 608 (6th Cir. 1997) (clarifying that the district court must screen complaints filed by non-prisoners proceeding in forma pauperis and dismiss those that fall under the requirements of § 1915(e)(2) when filed). Although a pro se litigant is entitled to a liberal construction of his pleadings and filings, “a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)).

Hunter has not stated any facts that support a viable claim for relief or that even enable the Court to determine if it has proper jurisdiction. Further, some of the defendants Hunter has sued likely have immunity. Hunter also fails to show how his claims, in particular the ones involving the national debt, treason, and

deportation, are not frivolous. For these reasons, the complaint is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B).

SO ORDERED.

Dated: December 14, 2021

s/Laurie J. Michelson

LAURIE J. MICHELSON

UNITED STATES DISTRICT JUDGE